

258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

ADDITIONAL COSPONSORS

S. 1493

At the request of Mr. BOND, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1493, a bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes.

S. 1505

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1505, a bill to authorize the Secretary of Commerce to establish a Travel and Tourism Promotion Bureau.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1628. A bill 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; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Madam President, today I am pleased to introduce the Agriculture, Conservation and Rural Enhancement Act of 2001. The legislation is a solid starting point for the next farm bill. This bill represents a comprehensive, balanced approach that protects farm income, promotes conservation, expands production of farm-based renewable energy and creates new economic opportunities in rural communities. The bill is the right approach to farm policy in the 21st Century because it builds on successful core farm programs and charts a new, conservation-oriented agriculture policy for the future.

My legislation uses a four-pronged approach to make good on our commitments to American farmers and rural communities. These four components—promoting conservation, protecting and boosting farm income, expanding jobs and economic opportunities in rural communities and increasing renewable energy production—provide the solid foundation we need to help ensure our farm families and rural areas prosper.

First, conservation is a cornerstone of the bill, including the creation of the Conservation Security Act, (CSA). This program provides flexible incentives for farmers to engage in new con-

servations practices on working agriculture land and rewards farmers who already employ them. In addition to CSA, the bill increases acreage for the Conservation Reserve Program and Wetlands Reserve Program. It also increases the funding for the Environmental Quality Incentives Program as well as the Wildlife Habitat Incentives Program. The bill also expands the farm land protection program, enacts a new grassland reserve program and permanently authorizes the Resource Conservation and Development program.

While rewarding farmers for conservation practices that benefit all of society is an important way to meet our commitment to farmers, providing solid income protection is equally important. The bill will improve farm income by increasing loan rates for most commodities, setting a floor on those rates, continuing fixed direct payments and creating a new counter-cyclical income protection system.

As all of my colleagues are aware, the farm bill must address the needs of others in addition to farmers and ranchers. This legislation will improve the quality of life for all of America's rural communities by creating jobs and economic growth in rural areas. The Rural Development title of this bill provides grants and loan programs to help create and expand businesses to provide jobs and assists communities by helping improve their community facilities. The title also expands grants for farmer-based groups, to help them add value to their production, helping to boost farm income and create jobs, it provides funding to expand broadband access for rural Americans, and provides grants to improve firefighter and first responder training.

The fourth prong of the my approach is increasing renewable energy production. This proposal provides a full range of initiatives designed to help and encourage farmers and ranchers to develop renewable energy projects including wind, solar, biomass and geothermal sources. These projects will help boost farm and rural incomes, improve air quality and promote the nation's energy security.

While the bill emphasizes a four-pronged approach, it is comprehensive in nature. The bill also includes important titles on nutrition, research, forestry, credit, competition, and trade that when taken together form a proposal that moves farm policy in the right direction in the 21st century.

I hope the Senate will be able to move quickly on this legislation. I will continue to work with members of the Committee on Agriculture, Nutrition and Forestry in an open process to help meet our commitments to farm families and all members of rural communities.

I ask unanimous consent to print in the RECORD a summary of the legisla-

tion. There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SUMMARY

TITLE I—COMMODITY PROGRAMS

The bill authorizes the Secretary to enter into contracts with producers of wheat, corn, grain sorghum, barley, oats, rice, soybeans, minor oilseeds, and upland cotton that entitle producers to receive direct payments on eligible cropland for the 2003 through 2006 fiscal years and counter-cyclical payments on eligible cropland for the 2002 through 2006 crop years. The bill establishes the direct payment rate and a target revenue per crop acre for each of the covered commodities. Producers will report their crop acreage and yields during the base period of 1998 to 2001 to determine updated base acres and payment yields.

Nonrecourse loans are available for all covered commodities plus extra long staple cotton, wool, mohair, honey, dry peas, lentils and chickpeas. Loan rates are increased from current levels for all covered commodities except oilseeds. The soybean loan rate is decreased by 6 cents per bushel and the loan rates for minor oilseeds are fixed at current rates. The marketing loan provisions and loan deficiency payments of current law are continued. The bill limits loan eligibility across all loan commodities by establishing a maximum number of units eligible for the loan.

To be eligible for contract payments or loan benefits producers must meet conservation compliance and wetlands protection. Further, contract acreage must use the land for an agricultural or conserving use and can be planted to any crop except most fruits and vegetables.

The bill extends the milk price support program at \$9.90 per hundredweight through 2006. It eliminates the marketing assessment on sugar and authorizes the Secretary to implement allotments on domestic sugar production. The bill extends the current peanut program.

TITLE II—CONSERVATION

The Conservation title provides a comprehensive, national approach to voluntary conservation. For the first time, all farmers and ranchers and livestock owners will have the full range of options for employing conservation practices on their lands in production and for lands taken out of production. The title enhances the existing proven conservation programs by increasing funding and including important policy changes. Two new programs, a broad-based incentive program for all land-based production and a grasslands easement program, complete the array of agricultural conservation programs.

The centerpiece of the new conservation title is the Conservation Security Act (CSA), a broad-based voluntary locally-driven incentives program for conservation on working land. Farmers receive payments for maintaining or adopting conservation practices. Providing incentive payments to farmers to maintain conservation practices ensures retaining the important environmentally successful accomplishments already occurring on farms and ranches. Using the CSA, farmers and ranchers will have the tools to enhance wildlife habitat and implement environmentally-sound practices on land in production leading to improved water, air and soil quality and increased wildlife populations.

The bill also increases funding for current conservation programs with a proven record of enhancing natural resources. The bill increases acreage for the Conservation Reserve

Program (CRP) to 40 million acres from the current 36.4 million acre limit and reserves 4 million acres for the Conservation Reserve Enhancement Program and lands enrolled through the continuous program. The Secretary had the discretion to enroll up to 3 million acres as permanent easements. The lands removed from production and enrolled in CRP have helped to create important habitat for wildlife, improve water quality and reduce soil erosion.

Through the bill, the up to 250,000 acres of valuable wetlands may be enrolled annually in the Wetlands Reserve Program (WRP) for a 10 year total of 2.5 million acres. WRP has helped to restore over a million acres of wetlands which provide critical wildlife habitat and improve water quality.

Funding for the Environmental Quality Incentives Program (EQIP) is increased up to \$950 million a year, by the fourth year of implementation. These funds includes a \$100 million annual fund for livestock operations to obtain loans for the construction of livestock manure management facilities.

Funding for the Wildlife Habitat Incentives Program ramps up to \$100 million annually. In addition to the current provisions to provide cost-share assistance for restoration of wildlife habitat, the Secretary will have the discretion to enroll lands under long-term and permanent easements.

The Agricultural Land Protection Program (formerly the Farmland Protection Program) is expanded to include the purchase of non-development easements on prairie and ranch land. Over four years, the annual funding ramps to \$250 million.

A new grassland reserve program to purchase permanent and long-term easements on up to 1 million acres of grass and prairie lands is created.

The bill further permanently authorizes the Resource Conservation and Development program to encourage stronger local-federal partnerships for increased conservation and resource-based programs to enhance rural economies and increases access and funding for technical assistance to help farmers implement the conservation programs on agricultural lands.

Creates the first comprehensive, voluntary approach to conservation incentive payments that provides income to producers who adopt or maintain conservation practices on working lands, including rewarding good actors and open to crop and livestock producers for land-based practices.

TITLE III—TRADE

The trade title meets the objectives that Senator Lugar and I agreed to last month—to help develop new export opportunities abroad in commercial markets, and improve the operation and capacity of U.S. food aid programs. The title spends about \$2.1 billion over the ten-year period, roughly split between the commercial export programs and food aid programs.

While we have seen in recent years that export markets do not serve as a reliable safety net, trade is and will continue to be a key outlet for U.S. agricultural products. Our export programs, such as the export credit programs and the Market Access Program, which we expand and improve in this bill, play an important role in our ability to compete internationally. We also put additional resources into the Cooperator program, which helps our agricultural groups service customers in overseas markets.

Over the last several decades, the United States has been the world's leading donor in international food aid programs. I firmly believe that our humanitarian activities

throughout the developing world must be an important component of our long-term effort to combat terrorism.

Toward that end, the bill establishes the International Food for Education and Child Nutrition program for a four-year period. This proposal was introduced last year by George McGovern and Bob Dole, our former colleagues who once sat in this very chamber. It is based on the simple yet powerful notion that a well-nourished child is more likely to learn, and that the availability of food is more likely to bring that child of a poor family into school in the first place, and out of the factories, fields, and sweat shops of the Third World. The UN's World Food Program estimates that there are 300 million children worldwide in such a situation.

The trade title provides more resources for the existing Food for Progress program. It also reforms and streamlines the operations of all food aid programs run by the U.S. Department of Agriculture and the U.S. Agency for International Development. These changes should allow the private voluntary organizations who conduct these projects to devote their energy to helping people on the ground rather than to pushing papers through bureaucracies.

TITLE IV—NUTRITION

Title IV includes nutrition provisions. Representing the largest of the Federal nutrition programs and up for reauthorization in 2002, the Food Stamp Program is the primary focus of the title. The program mainly assists children (50%), older Americans (10%), and Americans with disabilities (10%). Most of the other participants are individuals in working families. The Food Stamp Program is essential to transition from welfare to work. However, data show that reforms to the program are needed. These include simplifying the program, ensuring a more smooth transition from welfare to work, reforming the quality control system used to evaluate a state's performance, improving outreach efforts to make sure that people who qualify for the program are able to participate, and extending benefits to certain groups made ineligible by welfare reform. Between 1994-98 the number of people who were eligible for the program but did not participate increased by 12 percentage points, while the reliance in emergency feeding sites like soup kitchens and food pantries increased dramatically.

Some of the provisions that aim to simplify the Food Stamp Program include: allowing the states to conform Food Stamp income rules with those in TANF cash assistance or Medicaid and resource rules with those of TANF; simplifying the way in which housing costs are calculated; encouraging the states to adopt standard deductions, including ones for utility allowances and for people who live in certain group living arrangements; amending the procedure for determining earned income; extending semi-annual reporting to all households, and not just those who have earnings; better conforming to recertification rules in Medicaid, SSI, and SCHIP by allowing periodic redetermination.

Provisions that will help participants to more successfully transition from welfare to work include: an increase in the standard deduction to adjust for family size and will provide larger families with additional benefits and increasing the length of time that a household can receive transitional benefits when they stop receiving TANF cash assistance. The title also includes provisions that help us to reach out to other people with

needs. For example, the bill prohibits cutting off benefits for participants, like the elderly, who tend to be eligible for a small amount of benefits and may want to save them up for up to 6 months before using them. It also allows able-bodied adults without dependents to participate in the Food Stamp Program for 6 out of 24 months, rather than the current 3 out of 36 months, to give them more time to successfully find employment but the bill also eliminates the provision that 80% of all education and training funds made available through the program be made available for this population only. Pilot programs to improve on outreach and access are also included in the bill.

The quality control system used to assess the states' performance is revamped to be less punitive. The bill does institute new sanction procedures and rewards based on low error rates, compliance with a number of deadlines, and a state's enrollment of working families. Other provisions in the Food Stamp subtitle include expanding the definition of food products to include vitamin-mineral supplements, eliminating federal cost-neutrality rules for Electronic Benefits Transfer (EBT) systems, and several administrative provisions.

The Personal Responsibility and Work Opportunity Act of 1996 eliminated the ability of most legal aliens to participate in the Food Stamp Programs. Over time, a number of bills have restored some of these benefits to some children, older adults, and disabled adults who were in the United States prior to August 22, 1996. This bill concentrates on particularly vulnerable groups by restoring benefits to all legal alien children and the disabled. It also removes a 7 year cap on the ability of refugees/asylees to participate in the program. Finally, it reduces, from 40 to 16 quarters, the length of time that individuals have to work in this country before they are eligible to participate in the Food Stamp Program.

The title also reauthorizes a number of programs like the Food Distribution on Indian Reservations, the Commodity Supplemental Food Program, the Community Food Projects, it consolidates the American Samoa block grant and the Puerto Rico Nutrition Assistance Programs and reauthorizes them, and it reauthorizes and increases the funding by \$40 million per year, for the Emergency Food Assistance Program. A Congressional Hunger Fellowship is established, a pilot program through which some schoolchildren will receive free fruits and vegetables is conducted. A separate title includes funding for the Senior Farmers' Market Program as well as for additional commodities for the School Lunch Program.

TITLE V—CREDIT

The credit title reauthorizes all USDA farm direct and guaranteed loan programs and increases the loan authorization levels: \$3.75 billion for each fiscal year; with \$750 million for direct loans annually—\$200 million for farm ownership (FO) loans and \$550 million for farm operating (OL) loans; and \$3 billion for guaranteed loans—\$1 billion for FO loans and \$2 billion for OL loans.

The main emphasis of the title is to make credit more accessible to beginning farmers and ranchers. Among other things, the title broadens the eligibility for direct ownership loans to those who have participated in the business operations of a farm operation for at least three years, as opposed to being the sole manager of the operation. The title provides the Secretary the authority to refinance "bridge loans" made by a commercial

lender to a beginning farmer or rancher who has been approved for a USDA farm ownership loan but is awaiting funding. The title increases the limit on direct farm ownership debt for a beginning farmer or rancher from \$200,000 to \$250,000 and indexes the amount to inflation. The title provides that as part of the down payment program for beginning farmers and ranchers, USDA shall finance 40 percent of the loan (current law is 30 percent) and provide a repayment term of 20 years (current law is 10 years). The title directs the Secretary to create a pilot program in which the Secretary will guarantee loans made by a private seller of a farm or ranch to a qualified beginning farmer on a contract land sale basis. The title provides that beginning farmers and ranchers receive an additional 1 percent interest rate subsidy (capped at 4 percent) over non-beginning farmers (capped at 3 percent) who participate in the program and increases the maximum amount of funds for this program to \$750 million and provides that 25 percent of the program's subsidized funds are reserved for assisting beginning farmers and ranchers until April 1 of each fiscal year.

The title also makes other changes to provisions of the Consolidate Farm and Rural Development Act to improve the USDA farm lending programs. Among other things, the title allows the Secretary to waive term limits for a farmer or rancher, one time only, for a period of two years. The title allows the Secretary to waive term limitations for Native American farm operations on tribal lands if she determines that commercial credit is not generally available for such operations. The title expands USDA's authority to allow the interest rate on a direct loan that is being rewritten to be the rate in effect on the date that a borrower applies for servicing. The title reduces paperwork requirements by raising the low documentation loan amount for a guaranteed loan from \$50,000 to \$100,000. The title makes permanent the interest rate reduction program. The title provides that the Secretary work with the State Conservationists to consider selling or granting easements on inventory land for the purpose of farmland preservation. The title also provides those who owe recapture amounts on shared appreciation agreements or those who have amortized the recapture amounts, the option of providing farmland protection and conservation use easements on their land in return for forgiveness of the recapture amount.

Finally, the title amends the authorities provided to Farmer Mac and the Farm Credit System. The title increases the number of Farmer MAC Board of Directors from 15 to 17 and provides that the chairperson of the board will be elected by the board. The title provides the Farm Credit System authority to finance agriculturally related equipment and goods overseas irrespective of whether these goods will be used on the farm in the importing country. The title provides the Farm Credit System Insurance Corporation the ability to recognize the lower risk associated with the certain guaranteed loans and to adjust premiums charged to the Farm Credit System accordingly. The title also eliminates certain "territorial concurrence" requirements on Farm Credit System lenders so that the lenders can participate in syndicated or "participation" loans in other Farm Credit System geographic territories without seeking the permission of the Farm Credit System lender in that territory.

TITLE VI—RURAL DEVELOPMENT

The Rural Development Title focuses on need to improve the ability of rural busi-

nesses to acquire capital, particularly equity capital. It provides considerable assistance to help communities develop and economic development strategies and it provides for improved facilities, particularly to make broadband access far more available in Rural America. I am particularly pleased to include a provision to provide for training for fire fighters and first responders.

The limited availability of equity capital is a significant obstacle to business development and growth in rural communities. The Rural Development Title addresses this problem by establishing two new programs to spur equity investment in rural America. First, the National Rural Cooperative and Business Equity Fund provides up to \$150 million in federal funds, to be matched by funds from private investors. The Secretary of Agriculture will guarantee 50% of the investments by private investors up to a total guarantee of \$300 million. The Fund will make equity and semi-equity investments in a variety of rural businesses, with a significant share of those being smaller enterprises.

Second, the Rural Business Investment Program is modeled on the Small Business Administration's Small Business Investment Program. It creates Rural Business Investment Companies. It also provides grants for technical assistance.

Both new equity investment programs are based on business development programs administered by SBA, which have been successful in spurring economic growth but have not adequately addressed the needs of rural communities. Both new programs make use of SBA expertise by requiring the Secretary of Agriculture to work with SBA to administer the programs.

The Rural Development Title expands eligibility for Value-Added Agricultural Market Development Grants and provides \$75 million a year in funds from the Commodity Credit Corporation to carry out the grant program. It also creates a 5% reserve within the program for certified organic agricultural products. It broadens the business and industry loan guarantee program. It funds a new microloan program to assist rural entrepreneurs in starting new businesses with small loans and continuing technical assistance. It establishes a simplified "low documentation" application process for certain rural development loan and grant programs to reduce administrative burdens for participants. It insures continued funding for the Rural Economic Development Loan and Grant Program, which provides loans and grants to Rural Electric Cooperatives, through fees on guarantees of RUS qualified bonds. It authorizes grants to multigovernmental organizations to provide assistance to local governments.

This Title also promotes improvements in rural infrastructure and emergency response capabilities by: providing \$100 million a year in funding for loans and grants to improve access to broadband in rural areas, and \$75 million over the life of the bill to improve access to local television in rural areas; providing full funding to eliminate the backlog in pending applications for certain rural development loan and grants; creating a Rural Endowment Program that provides initial planning and development grants to rural areas that develop long-range, comprehensive community development strategies to improve infrastructure and promote economic development; reserving funds within the community facilities program for day care and senior care facilities; authorizing grants to regional development organiza-

tions; and providing \$30 million a year in funding for training of firefighters and emergency medical personnel.

TITLE VII—RESEARCH

The Research Title extends existing research authorizations until 2006. Examples of these programs include: grants and fellowships for food and agricultural sciences education, education grants programs for Hispanic-serving institutions, funding for policy research centers, and research equipment grants. The special authorization for biosecurity planning and response is amended to create a special account for appropriations for agricultural research, education, and extension activities for biosecurity planning and response. Under this section funds may be used under any authority available to the Secretary in order to reduce the vulnerability of the United States food and agricultural system to chemical or biological attack.

The Research Title increases funding for the Initiative for Future Food and Agriculture Systems. This program directs research funding to agriculture priority areas through a competitive grant system.

The Research Title creates a new program for Rural Research funded at \$15 million a year. The program authorizes a fund for rural policy research on topics such as: rural sociology, effects of demographic change, needs of groups of rural citizens, rural community development, rural infrastructure, rural business development, rural education and extension programs, and rural health. These programs will help discover the policy tools necessary to create a solid foundation within rural communities which will sustain long-term growth.

The Research Title creates a new program for beginning farmers and ranchers at a level of \$15 million a year. The program will provide competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives aimed at beginning farmers or ranchers. Among other advantages, this program will allow new farmers or ranchers to acquire entrepreneurial, financial, and other business skills; conservation assistance; risk management education; innovative farm and ranch transfer strategies; and basic livestock and crop farming practices. In addition, 25 percent of the funds are set aside to be used to support programs and services that address the needs of limited resource and socially disadvantaged beginning farmers or ranchers.

TITLE VIII—FORESTRY

Federal forestry assistance for non-federal landowners has been a part of US Department of Agriculture programs for more than a century. We continue the Department's longstanding commitment to provide important forestry assistance to private landowners in the forestry title of the farm bill.

With over nine million non-industrial private forest landowners owning over 330 million acres nationwide, their ability to have access to technical, financial, and educational assistance from government sources will largely determine the quality of those forests and associated public benefits such as clean water and watersheds, wildlife preservation, recreational resources, soil quality, reduced erosion, and forest health and productivity.

There are several new programs to address a wide array of private forest land issues. The sustainable forest management program will provide cost-share assistance to non-industrial private forest landowners around

the country. The program is administered by the Secretary, acting through the State foresters, and in coordination with the State stewardship committees. The program affords states flexibility to address a variety of multiple resource objectives, including soil, air and water quality, soil erosion, agroforestry, fish and wildlife habitat, the control of invasive species, forest health and productivity and the threat of forest fragmentation and catastrophic wildfire.

There is also a new program to assist in the development of sustainable forestry cooperatives at least 50% farmer or rancher owned. The program will create new income streams for farmers or ranchers by allowing them to pool their limited forest resources, and sell value added forest products.

Other important initiatives include a community and private land fire assistance program to focus federal efforts in firefighting at the Federal, State and local levels and a watershed forestry assistance program to prevent water quality degradation, and address watershed issues on non-federal forest land.

TITLE IX—ENERGY

Today we face major national problems of low farm income, energy shortages and price spikes, and environmental problems of air pollution and global warming. Renewable energy from farms will play a major role in solving all three problems. Moreover, renewable energy and energy efficiency programs will enhance the nation's energy security, reduce our dependence on foreign oil supplies, and promote rural economic development across the country.

The federal government has a major role to play in the transformation to reliance on domestic farm and rural based alternative energy. The energy title establishes several new programs providing incentives to farmers, ranchers and rural small businesses to develop renewable energy and biomass energy supplies on their lands and to increase energy efficiency.

A competitive grant program is established to have eligible entities provide farmers, ranchers, and rural small businesses energy audits which will provide cost-effective recommendations for energy savings and to examine the potential for renewable energy development.

A complementary grant and loan program is also established so that farmers, ranchers, and rural small businesses can purchase renewable energy systems and make energy efficiency improvements. Energy savings of 30% or more can often be achieved through implementing energy audit recommendations, and renewable energy systems, such as wind turbines, photovoltaic systems and methane digesters can significantly reduce energy costs and help clean up the environment.

The title includes a federal agency biobased products purchasing requirement if they are comparable in price, performance, and availability to traditional products. In addition, the Agriculture Department will develop a labeling program for biobased products based on the successful Energy Star program for energy efficiency. This initiative will stimulate the demand for biobased products, such as soybeans, corn, and other commodities and at the same time provide environmental benefits.

A competitive grant program is also established to support the commercialization of new and emerging technologies for the conversion of biomass into petroleum substitutes. Just as we refine petroleum into gasoline, diesel, propane, and other products,

we can refine agricultural wastes into ethanol, plastics, hydrogen fuel, and perhaps products not yet invented.

A new research and development program to promote understanding of carbon sequestration in agriculture and forestry is also a part of the title. It includes plans to establish benchmarks and best measurement techniques, and includes funding for demonstration projects for monitoring carbon sequestration. This will allow farmers and others to better understand how to store dangerous greenhouse gases, perhaps earning extra income to provide this public benefit.

TITLE X—COMPETITION

The Competition Title amends the Agricultural Fair Practices Act of 1967, the Packers and Stockyards Act of 1921, and the Agricultural Marketing Act of 1946.

The Competition Title includes a subtitle that makes a number of amendments to the Agricultural Fair Practices Act (AFPA) to address unfair and deceptive practices in agricultural commerce. The subtitle establishes the Office of Special Counsel for Competition Matters within the USDA to investigate, prosecute, and promulgate regulations under the AFPA and any other Act the Secretary deems appropriate. The subtitle requires covered persons with annual sales of over \$100,000,000 to annually file with the Secretary a report that describes strategic alliances, ownership, joint ventures, subsidiaries, brand names, and interlocking boards of directors in other covered persons. The subtitle defines "covered persons" to include a dealer, handler, contractor, processor, or commission merchant of agricultural commodities with sales of over \$10,000,000 per year. The subtitle prohibits unfair and deceptive practices on the part of covered persons in the marketing, purchasing, and contracting of agricultural commodities. The subtitle prohibits covered persons from engaging in specific practices in bargaining with producers and producer associations, such as restraining, coercing, retaliating against, or refusing to deal with any producer who exercises his or her right to join and participate in a producer association. The subtitle provides minimum standards in agricultural contracting, including: a requirement to act in good faith in the performance and enforcement of agricultural contracts, and a requirement to include a cover sheet that discloses provisions of the contract including, among other things, duration, factors in payment, renewal and renegotiation standards, and responsibility for environmental liability. The subtitle provides requirements specific to production contracting, including: the right to cancel a production contract within three business days after the date at which the production contract is executed; allowing contract producers to file production contract liens and to receive a security interest in the agricultural commodity or other property of the covered person as allowed in the applicable State law provisions based on Article 9 of the Uniform Commercial Code; requiring the contract producer who made at least a \$100,000 investment because of the production contract receive at least 90 days for the contract producer to cure an alleged breach before the covered person terminates the contract, and prohibiting a contractor from requiring additional investments during the term of the contract unless the additional investments are offset by additional consideration and the contract producer agrees in writing that there is an acceptable and satisfactory consideration. The subtitle provides that any aggrieved person may seek injunc-

tions for acts or practices prohibited by the Act; allows any person injured in the business or property of the person by reason of any violation of this Act may sue for a violation to recover damages and recover an additional penalty of up to \$1000 per violation. The court allows the court to provide reasonable attorney's fees to the prevailing party, and sets the statute of limitation at two years. The subtitle provides that when the Secretary has reasonable cause to believe that any covered person has engaged in any act or practice that violates the Act, she may bring a civil action in the U.S. district court to request preventative relief. The subtitle provides that a producer of an agricultural product or service may execute, as a clause in an agricultural contract, an assignment of dues or fees to an association of producers authorized by contract and requires the covered person to deduct the portion from the contract and make a payment to the producer association on behalf of the producer.

The Title amends the Packers and Stockyards Act to provide the Secretary with jurisdiction over live poultry dealers who deal in all types of poultry, not just poultry for slaughter and provide the Secretary the authority to bring administrative actions against live poultry dealers. The title also allows the Secretary to seek outside counsel in the enforcement of the Packers and Stockyards Act.

The Title includes a subtitle to amend the Agricultural Marketing Act of 1946 to require that retailers notify consumers at the final point of sale of the country of origin for beef, pork, lamb, ground beef, ground pork, ground lamb, perishable agricultural commodities, and whole farm-raised fish. The subtitle provides that the Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable record-keeping audit trail that will permit the Secretary to ensure compliance with regulations promulgated by the Secretary. The subtitle provides that section 253 of the Agricultural Marketing Act of 1946 shall be the enforcement provision of the subtitle.

The Title also requires the Secretary to conduct a referendum among persons covered by an order in effect under a commodity promotion law to determine whether the persons favor the termination of the order at least once every five years. The referenda would be conducted in accord with the terms and conditions of the applicable order and commodity promotion law consistent with this section. The title allows eligible persons to vote in a referendum by mail ballot or by such other method, instead of in-person voting, prescribed by the Secretary as will reduce the burden on voters and ensure the integrity of the referendum.

The Title also amends the Perishable Agricultural Commodities Act to allow the Secretary to initiate investigations of alleged violations of PACA.

By Mr. DASCHLE:

S.J. Res. 28. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that the conditions specified in section 254(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met and

the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 529, the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nomination was considered and confirmed as follows:

SOCIAL SECURITY ADMINISTRATION

Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security for the term expiring January 19, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, NOVEMBER 5, 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate stand adjourned until 3 p.m. on Monday, November 5; that on Monday immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for use later in the day; that the Senate then proceed to a period for morning business until 5:45 p.m., with the time equally divided and controlled between the two leaders or their designee; that at 5:45 p.m. the Senate proceed to executive session to consider Calendar No. 515, Larry Hicks, to be a United States district judge; that there be 15 minutes for debate on the nomination with the time equally divided and controlled between the chairman and ranking member or their designees; that at 6 p.m., without intervening action or further debate, the Senate vote on confirmation of the

nomination; that following the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

ADJOURNMENT UNTIL 3 P.M.
MONDAY, NOVEMBER 5, 2001

Mr. REID. Madam President, pursuant to the previous order, I ask unanimous consent that the Senate stand adjourned.

There being no objection, the Senate, at 12:24 p.m., adjourned until Monday, November 5, 2001, at 3 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 2, 2001:

SOCIAL SECURITY ADMINISTRATION

JO ANNE BARNHART, OF DELAWARE, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2007.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.