

Mr. REID. I ask consent that the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related thereto be printed in the RECORD.

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

The bill (H.R. 2199), as amended, was read the third time and passed.

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT AMENDMENTS

Mr. REID. I ask consent that the Senate proceed to Calendar No. 260, S. 1519.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1519) to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask consent the bill be considered read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related thereto be printed in the RECORD.

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

The bill (S. 1519) was read the third time and passed, as follows:

S. 1519

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

SECTION 1. FARM CREDIT ASSISTANCE FOR ACTIVATED RESERVISTS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

"SEC. 376. FARM CREDIT ASSISTANCE FOR ACTIVATED RESERVISTS.

"(a) DEFINITIONS.—In this section:

"(1) ACTIVATED RESERVIST.—The term 'activated reservist' means—

"(A) a member of a reserve component of any of the Armed Forces of the United States who is serving on active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) pursuant to a call or order issued on or after September 11, 2001, under a provision of law referred to in subparagraph (B) of that section; and

"(B) a member of the National Guard of a State not in Federal service who is ordered to duty under the laws of the State in support of any operation to protect persons or property from an act of terrorism or a threat of attack by a hostile force during the period of a national emergency declared by the President or Congress on or after September 11, 2001.

"(2) ELIGIBLE PERSON.—The term 'eligible person' means—

"(A) an activated reservist who owns or operates a farm or ranch;

"(B) an owner or operator of the farm or ranch who is a member of the family of the activated reservist; and

"(C) an owner or operator of a farm or ranch on which an activated reservist is employed.

"(b) PROGRAM.—The Secretary shall establish a program to provide assistance to any borrower of a farmer program loan who is an eligible person.

"(c) MODIFICATION OF LOAN TERMS.—The Secretary shall modify the terms and conditions of a farmer program loan (including a loan in which any participant in the loan is an eligible person) made to an eligible person for a farm or ranch under this title, or purchased under section 309B, to the extent necessary, as determined by the Secretary, to alleviate conditions of distress related to the activation of the activated reservist and to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

"(d) DEBT RESTRUCTURING.—The Secretary may modify farmer program loans, including delinquent loans, by deferring principal or interest scheduled payments, reducing interest rates or accumulated interest charges, reamortizing or consolidating loans, reducing the amount of scheduled principal or interest payments, releasing additional income, reducing collateral requirements, or taking any other restructuring actions determined appropriate by the Secretary, to alleviate conditions of distress related to the activation of the activated reservist and to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

"(e) EMERGENCY LOANS.—

"(1) IN GENERAL.—The Secretary shall make an emergency loan under subtitle C to an eligible person for a farm or ranch that has suffered, or that is likely to suffer, substantial economic injury as the result of the activation of an activated reservist, as determined by the Secretary.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an emergency loan made under this subsection shall be made under the terms and conditions of subtitle C.

"(B) EXCEPTIONS.—An emergency loan made under this subsection shall not be subject to—

"(i) the requirements of section 321(a) for a finding by the Secretary that the applicants' farming, ranching, or aquaculture operations have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President;

"(ii) section 321(b); or

"(iii) any other requirement of subtitle C that the Secretary waives to carry out this subsection.

"(3) PERIOD OF ELIGIBILITY.—To obtain an emergency loan under this subsection, an eligible person shall apply for the emergency loan during the period—

"(A) beginning on the date on which the activated reservist is activated; and

"(B) ending 180 days after the date on which the activated reservist is discharged or released from active duty.

"(f) NOTICE.—The Secretary shall develop a program to notify eligible persons of assistance that is available under this section.

"(g) SPOUSES OR RELATIVES.—

"(1) IN GENERAL.—The Secretary may provide for procedures under which the spouse or other close relative (as determined by the Secretary) of an activated reservist may participate in, or make decisions related to, a program administered by the Secretary under this title.

"(2) REPRESENTATION.—The Secretary may rely on the representation of the spouse or close relative (even in the absence of a power of attorney) made under the procedures described in paragraph (1) if the Secretary—

"(A) determines that the reliance is appropriate in order to prevent undue hardship and to provide equitable treatment for the activated reservist; and

"(B) has no reason to believe that the representation of the spouse or close relative is not in accordance with the intent and interests of the activated reservist."

SEC. 2. REGULATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendment made by section 1.

(b) PROCEDURE.—The promulgation of the regulations and administration of the amendment made by section 1 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

ORDERS FOR WEDNESDAY, DECEMBER 12, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Wednesday, December 12; that immediately following the prayer and pledge, the Journal of proceedings be approved, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the farm bill.

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

PROGRAM

Mr. REID. Madam President, there will, as I have announced, be a recorded vote on the Lugar amendment at approximately 10:20 or 10:25 in the morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Wednesday, December 12, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 11, 2001:

DEPARTMENT OF ENERGY

RAYMOND L. ORBACH, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY, VICE MILDRED SPIEWAK DRESSSELHAUS.

DEPARTMENT OF JUSTICE

JAMES DUANE DAWSON, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE CHARLES M. ADKINS.

WILLIAM CAREY JENKINS, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE RONALD JOSEPH BOUDREAUX, RESIGNED.

DWIGHT MACKAY, OF MONTANA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE WILLIAM STEPHEN STRIZICH, RESIGNED.

RONALD RICHARD MCCUBBIN, JR., OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE E. DOUGLAS HAMILTON.

DAVID REID MURTAUGH, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE MICHAEL D. CARRINGTON.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

GERARD W. STALNAKER, 0000
EVERETT G. WILLARD JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

JAMES A. BARLOW, 0000
MICHAEL J. BARNES, 0000
JUDY M. GIST, 0000
JEFFREY L.* HAMILTON, 0000
WILLIAM S. JONES, 0000
GLENN S. ROBERTS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CYNTHIA M. CADET, 0000
CHARLES L. CAMPBELL, 0000
YVONNE M. DIETRICH, 0000
WILLIAM A. RANDALL, 0000
JEFFREY H. SEDGEWICK, 0000
TEDDI J. STEIL, 0000
MARIA E. WHITE, 0000
DAVID G. YOUNG III, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOSEPH L. CULVER, 0000
CHARLES R. JAMES JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BARRY D. KEELING, 0000
ERNESTO E. MARRA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES J. WALDECK III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

LAURA R. BROSCHE, 0000
MARIA T. BRYANT, 0000
SUSANNE J. CLARK, 0000
TIMOTHY A. COFFEY, 0000
MICHAEL H. CUSTER, 0000
ANGELIA E. DURRANCE, 0000
GAIL E. FORD, 0000
LEANA A. FOX-JOHNSON, 0000
VINCENT E. GLIDDEN, 0000
ELIZABETH E. HILL, 0000
PATRICIA D. HOROHO, 0000
CHRISTOPHER A. KRUPP, 0000
CAROL A. MCNEILL, 0000
ALLISON L. MIRAKIAN, 0000
ELIZABETH A. MITTELSTAEDT, 0000
LU A. PERALTA, 0000
CHRISTINE M. PIPER, 0000
LINDA D. ROBINETTE, 0000
GAIL J. WILLIAMSON, 0000
CONNORS A. WOLFORD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

GARRY F. ATKINS, 0000
THOMAS M. BAILEY, 0000
LOUIE M.* BANKS III, 0000
RICHARD L. BOND, 0000
ZANKI D. CARAWAY, 0000
JOHN J. CIESLA, 0000
DAVID W. CRAFT, 0000
DOUGLAS R. DUDEVOIR, 0000
VICTOR C. ELLENFIELD, 0000
RONALD E. ESKIEW, 0000
DEBRA D. FRANCO, 0000
SAMUEL R. FRY, 0000
FREDERICK J. GARGIULO, 0000
ROBERT W. GOMBESKI, 0000
JAMES E. GORDON, 0000
JOHN D. GRABENSTEIN, 0000
ISIAH M. HARPER JR., 0000
CHARLES C. HUME, 0000
LARRY C. JAMES, 0000
DAVID E. JONES, 0000
CHARLES S. KELLER, 0000
PAULINE KNAPP, 0000
WALTER S.* LORING, 0000
DENISE M. MCCOLLUM, 0000
WENDELL A. MOORE, 0000
THOMAS G. MUNDIE, 0000
WILLIAM H. RIVARD III, 0000
DARYL L. SPENCER, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate December 11, 2001:

THE JUDICIARY

JOHN D. BATES, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

KURT D. ENGELHARDT, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

JULIE A. ROBINSON, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS.