

of Assistant Secretary of Agriculture for Civil Rights under section 218(f)."

**SA 2512.** Mr. CRAIG (for himself and Mr. GREGG) proposed an amendment to amendment SA 2511 submitted by Mr. DASCHLE and intended to be proposed to the amendment SA 2471 proposed by Mr. DASCHLE to the bill (S. 1731) 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; as follows:

At the appropriate place, add the following:

**SEC. . SENSE OF THE SENATE.**

It is the sense of the Senate that, before Congress creates new positions that require the advice and consent of the Senate, such as the position of Assistant Secretary for Civil Rights of the Department of Agriculture, the Senate should vote on nominations that have been reported by committees and are currently awaiting action by the full Senate, such as the nomination of Eugene Scalia to be Solicitor of the Department of Labor.

**SA 2513.** Mr. BOND (for himself, Mr. GRASSLEY, Mr. ENZI, and Mr. MILLER) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) 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; as follows:

Strike the period at the end of section 1034 and insert a period and the following:

**SEC. 1035. REVIEW OF FEDERAL AGENCY ACTIONS AFFECTING AGRICULTURAL PRODUCERS.**

(a) DEFINITIONS.—In this section:

(1) AGENCY ACTION.—The term "agency action" has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY HEAD.—The term "agency head" means the head of a Federal agency.

(3) AGRICULTURAL PRODUCER.—The term "agricultural producer" means the owner or operator of a small or medium-sized farm or ranch.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) REVIEW OF AGENCY ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary may review any agency action proposed by any Federal agency to determine whether the agency action would be likely to have a significant adverse economic impact on, or jeopardize the personal safety of, agricultural producers.

(2) CONSULTATION; ALTERNATIVES.—If the Secretary determines that a proposed agency action is likely to have a significant adverse economic impact on or jeopardize the personal safety of agricultural producers, the Secretary—

(A) shall consult with the agency head; and  
(B) may advise the agency head on alternatives to the agency action that would be least likely to have a significant adverse economic impact on, or least likely to jeopardize the personal safety of, agricultural producers.

(c) PRESIDENTIAL REVIEW.—

(1) IN GENERAL.—If, after a proposed agency action is finalized, the Secretary determines

that the agency action would be likely to have a significant adverse economic impact on or jeopardize the safety of agricultural producers, the President may, not later than 60 days after the date on which the agency action is finalized—

(A) review the determination of the Secretary; and

(B) reverse, preclude, or amend the agency action if the President determines that reversal, preclusion, or amendment—

(i) is necessary to prevent significant adverse economic impact on or jeopardize the personal safety of agricultural producers; and

(ii) is in the public interest.

(2) CONSIDERATIONS.—In conducting a review under paragraph (1)(A), the President shall consider—

(A) the determination of the Secretary under subsection (c)(1);

(B) the public record;

(C) any competing economic interests; and  
(D) the purpose of the agency action.

(3) CONGRESSIONAL NOTIFICATION.—If the President reverses, precludes, or amends the agency action under paragraph (1)(B), the President shall—

(A) notify Congress of the decision to reverse, preclude, or amend the agency action; and

(B) submit to Congress a detailed justification for the decision.

(4) LIMITATION.—The President shall not reverse, preclude, or amend an agency action that is necessary to protect—

(A) human health;

(B) safety; or

(C) national security.

(d) CONGRESSIONAL REVIEW.—Reversal, preclusion, or amendment of an agency action under subsection (c)(1)(B) shall be subject to section 802 of title 5, United States Code.

**SA 2514.** Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) 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; which was ordered to lie on the table; as follows:

On page 937, between lines 16 and 17, insert the following:

**SEC. 10 . CROP INSURANCE AND NONINSURED CROP DISASTER ASSISTANCE PROGRAM.**

(a) 7. U.S.C. 7333, as amended by P.L. 104-127, is amended—

(1) in Section (a)(3) by striking "or" and

(2) in Section (a)(3) by striking "as determined by the Secretary." and inserting in lieu thereof "as determined by the Secretary, or disaster caused by direct federal regulatory implementation or resource management decision, action, or water allocation." and

(3) in Section (c)(2) by striking "or other natural disaster, as determined by the Secretary." and inserting in lieu thereof "other natural disaster (as determined by the Secretary), or disaster caused by direct federal regulatory implementation or resource management decision, action, or water allocation.".

(b) 7 U.S.C. 1508 is amended—

(1) in Section (a)(1) by striking "or other natural disaster (as determined by the Secretary)." and inserting "natural disaster (as determined by the Secretary), or disaster

caused by direct federal regulatory implementation or resource management decision, action, or water allocation." and

(2) in Section (b)(1) by striking "or other natural disaster (as determined by the Secretary)," and inserting in lieu thereof "other natural disaster (as determined by the Secretary), or direct federal regulatory implementation or resource management decision, action, or water allocation,".

(c) The Secretary is encouraged to review and amend administration rules and guidelines describing disaster conditions to accommodate situations where planting decisions are based on federal water allocations. The Secretary is further encouraged to review the level of disaster payments to irrigated agriculture producers in such cases where federal water allocations are withheld prior to the planting period.

**SA 2515.** Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 1499, An act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes; as follows:

In subparagraph (A) of section 3(c)(2) of the District of Columbia College Access Act of 1999, as added by section 2—

(1) in clause (i), strike "or" after the semicolon;

(2) redesignate clause (ii) as clause (iii); and

(3) insert after clause (i) the following:  
"(ii) for individuals who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, and is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2001, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the Freshman year at an institution of higher education; or".

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, December 12, 2001, at 2:30 p.m. to hold a business meeting.

**Agenda**

The committee will consider and vote on the following agenda:

**Legislation**

S. 1779, A bill to authorize Radio Free Afghanistan.

H.R. 3167, The Gerald B.H. Solomon Freedom Consolidation Act of 2001, A bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. Con. Res. 86, A concurrent resolution expressing the sense of Congress

that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan.

H. Con. Res. 77, A concurrent resolution expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea.

H. Con. Res. 211, A concurrent resolution commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma.

#### *Nominations:*

Jorge L. Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank.

William R. Brownfield, of Texas, to be Ambassador to the Republic of Chile.

Arthur E. Dewey, of Maryland, to be Assistant Secretary of State (Population, Refugees, and Migration).

Adolfo Franco, of Virginia, to be an Assistant Administrator (Latin America and the Caribbean) of the United States Agency for International Development.

John V. Hanford, III, of Virginia, to be Ambassador at Large for International Religious Freedom.

Donna Hrinak, of Virginia, to be Ambassador to the Federative Republic of Brazil.

James McGee, of Florida, to be Ambassador to the Kingdom of Swaziland.

Kenneth P. Moorefield, of Florida, to be Ambassador to the Gabonese Republic and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe.

Josephine K. Olsen, of Maryland, to be Deputy Director of the Peace Corps.

John D. Ong, of Ohio, to be Ambassador to Norway.

Earl Phillips, Jr., of North Carolina, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Frederick Schiek, of Virginia, to be Deputy Administrator of the United States Agency for International Development.

Charles S. Shapiro, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela.

Gaddi H. Vasquez, of California, to be Director of the Peace Corps.

Roger Winter, of Maryland, to be an Assistant Administrator (Democracy, Conflict, and Humanitarian Assistance) of the United States Agency for International Development.

*Additional nominees to be announced.*

#### *Foreign Service Officer Promotion List*

Mr. Dobbins, et al., dated October 16, 2001. (With the exception of James Dobbins)

Mr. Hughes, et al., dated November 27, 2001.

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

#### PRIVILEGE OF THE FLOOR

Mr. BOND. Madam President, I ask unanimous consent that John Stoodly, a detailee to my office from the Environmental Protection Agency, be given the privilege of the floor for the remainder of the consideration of S. 1731.

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

#### BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. REID. Madam President, this has been approved by the minority.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 271, S. 1789. The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (S. 1789) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. I congratulate my friend from Connecticut, Senator DODD, and my friend from Ohio, Senator DEWINE, for bringing us the Best Pharmaceuticals for Children Act. Since 1977, we've had great success increasing the number of studies of drugs in children, and it's important that we reauthorize pediatric exclusivity to continue this success. One improvement in this reauthorization is that section 4 of your bill will see to it that, when a drug company declines an FDA request to study its patented drug for children, the drug will nonetheless be studied for children.

Mr. DODD. That is correct.

Mr. KENNEDY. You bill has these studies being conducted by, for example, universities, hospitals, contract research organizations, and pediatric pharmacology units. The studies will happen after referral to the Foundation for the National Institutes of Health, which, if it has the money to do so, provides money to the NIH for it to fund the studies, or passes it on to the NIH to pay for the studies with money that the bill itself authorizes.

Mr. DEWINE. Yes, that's how the process works.

Mr. KENNEDY. And after the research is conducted, the results are submitted to the Secretary of Health and Human Services. Once the Secretary has received the results, the Secretary, through the FDA, analyzes the information from the studies and determines what is necessary to provide appropriate pediatric labeling of the drug.

Mr. DODD. Yes, that is what we intend.

Mr. KENNEDY. So, it is fair to conclude that pediatric research con-

ducted by third parties, using a commercially available drug, and paid for by the Foundation of the National Institutes of Health or by NIH under your bill, will not infringe any patent on the drug and shall be considered to be an activity conducted for the purpose of development and submission of information to the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act?

Mr. DEWINE. Yes, I agree with that conclusion.

Mr. DEWINE. Madam President, I rise today to thank my colleagues for supporting and passing the conference report on a bill that Senator DODD and I have been working on for some time. This bill, S. 1789, the Best Pharmaceuticals for Children Act, is reauthorization legislation designed to ensure that more medicines are tested for children and that useful prescribing and dosing information appears on labels.

Before I say anything else, I'd like to thank Senator DODD for his tireless efforts on behalf of children. He is a true champion for children. And, passage of our bill today, is just one more example of how he has dedicated so much of his time and energy to protect our Nation's kids, our Nation's future.

Our Best Pharmaceuticals bill is really vital in protecting our children when they are sick. This bill will make sure that we test drugs for kids on kids. Right now, most drugs are designed and tested on and for use by adults. Prescribing medicine for children is difficult for a variety of reasons. Proper dosing depends on a child's weight and metabolisms. Furthermore, children's bodies grow and change quickly. Children also may not give doctors accurate information about how medicines are affecting them, making diagnoses difficult, involving a large-degree of guess work.

A recent six-week study in Boston, at two of its most well-respected hospitals, found that over that time, 616 prescriptions written for children contained errors. Of those, 26 actually harmed children. Of the errors that were caught before the medication was administered, 18 could have been fatal. And, a study in the a recent Journal of the American Medical Association, found that medication errors in hospitals occur three times more frequently with children than with adults.

Four years ago, Senator DODD and I first learned that the vast majority of drugs in this country that came on the market every week, in fact over 80 percent, had never been formally tested or approved for pediatric use and therefore lacked even the most basic labeling information regarding dosing recommendations for children. When we found that out, we began writing what is now referred to as the pediatric exclusivity law. In the three years since that law went into effect, the FDA has issued about 200 written requests for pediatric studies.