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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have blessed this Nation with truly great leaders in each period of our history. In Your providential care, You choose them, nurture their characters, hone their minds, and sharpen their convictions. You give them opportunities to serve You by caring for the needs of society. You allow their hearts to be broken by what breaks Your heart so that they can heal wounds, right wrongs, and lead others to grasp their full potential.

Today, we thank You for such a leader. You have placed Your hand of blessing on Senator BARBARA MIKULSKI. With Your endowed gifts of leadership, she has become a lodestar leader in her state and in her party, in the Senate, and in the Nation. Thank You for her intellectual acumen, her ability to get to the point, her loyal faithfulness, and her lively sense of humor. The Senator has the courage of her convictions and says what she means and means what she says. She is a patriotic American who is proud of her Polish heritage. We rejoice with Senator MIKULSKI today as she is given one of the highest honors ever bestowed by the Polish Government, the Commanders' Cross with Star of the Order of Merit of the Republic of Poland. May this be a truly memorable day for her, her family, all Polish-Americans, and all of us here in

the Senate family who are privileged to be her friends. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 13, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

### SCHEDULE

Mr. REID. Madam President, pursuant to the order entered last evening,

there will be 90 minutes of debate equally divided and controlled in the usual form on the Bond amendment prior to a vote in relation to that amendment. There will be no intervening amendment in order prior to that vote.

The majority leader also announced last night that, after having filed a cloture motion on this legislation, there would be a cloture vote on that matter either today or tomorrow, whatever the two leaders work out. There will be votes throughout the day, and we will await further word from the leader as to what is going to transpire this evening.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report. The legislative clerk read as follows:

A 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.

Pending:

### NOTICE

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Michael F. DiMario, Public Printer

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S13079

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Bond Amendment No. 2513 (to Amendment No. 2471), to authorize the Secretary of Agriculture to review Federal agency actions affecting agricultural producers.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 90 minutes debate, equally divided and controlled in the usual form, on the Bond amendment, No. 2513.

The Senator from Missouri.

#### CONGRATULATING SENATOR MIKULSKI

Mr. BOND. Madam President, I yield myself such time as I may require.

First, before I get into the discussion of this amendment, which I think is very important, I want to add an earthly endorsement to the holy blessings that our Chaplain just brought upon our very good friend and colleague, Senator BARBARA MIKULSKI.

It is a great honor she receives today. We all rejoice with her. She has been an outstanding Member of this body, one whose compassion, commitment, and good humor have seen us through many difficult times.

As one who has had the pleasure of working with her on the Veterans Affairs, HUD, Independent Agencies appropriations subcommittee, I can tell you there is no finer, more dedicated servant in the Senate. It is with great joy that we congratulate her on the very outstanding and generous award made to her today by the land of her forefathers, the Government of Poland.

With that, we say good wishes and congratulations, BARBARA. It is a well deserved honor.

#### AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Continued

AMENDMENT NO. 2513

Mr. BOND. Madam President, may I inquire what is the pending business?

The ACTING PRESIDENT pro tempore. The Senator's amendment is the pending question.

Mr. BOND. I thank the Chair.

Last night I laid down an amendment which I think enhances this farm bill and focuses on what is important for agriculture. We have had a lot of discussion about how we have to help farm families. Clearly, they are struggling.

This country has been in a recession for about 15 months. We have been under attack by terrorists for about 3 months. But farmers across this country and their families and those with whom they work closely know they have been in recession for 4 or 5 years.

The collapse of the overseas agricultural markets has driven prices down. That is why, among other things, it is vitally important that this body pass trade promotion legislation because we must get those markets back.

In the meantime, we look for things we can do to assist farmers. We are

going to send them financial assistance. In the last several years as they have suffered from low prices, we have provided very significant amounts of money to help fill in the void left by low market prices.

We can do research for them. Research in new ways of doing business made our farmers continually more productive.

We must be sure adequate transportation exists. In the heartland that means keeping the vital waterways of the Missouri and Mississippi Rivers open to transportation so we can have economical and efficient ways of getting our farm products to market.

But there is one thing farmers tell me they are concerned about, perhaps more than anything else. While they are concerned about the weather, they understand you cannot change that. They are concerned about crops and pests and their interaction. They are concerned about markets. As I said, markets have been down.

But the one thing that really frustrates them is that too often our Government seems to have farmers in their sights. They want to accomplish all kinds of good purposes, but they want the farmers to do it. The farmers who control much of the land of the United States are the ones to whom the Federal Government says: We would like to see this done, and we will have you, the farmers, who are trying to earn your living off the land, make the changes that we think are good policy whether it be environmental policy, whether it be economic or income distribution policy, or whether it be food policy. Some farmers tell me that they spend more time preparing for public hearings than they spend on their combines.

The amendment before us today says farmers are going to get a chance to have an advocate at the U.S. Department of Agriculture.

We all know that regulatory requirements are necessary. They often carry out the purposes that have been approved by the Congress. They are authorized by law, but the problem is sometimes the regulatory agencies that are trying to carry out those purposes know nothing about agriculture or farming or how the individual farmer trying to earn a living for himself or herself and their families is affected by it.

We are trying through this amendment to give the USDA the responsibility and the tools to help farmers who are being oppressed.

This is a life preserver thrown to farmers whose livelihood or safety is threatened by bad Federal regulations.

I introduced last night two letters with lengthy endorsements from farm and agricultural organizations, nationally and from my home State of Missouri.

I am pleased to be joined by Senators GRASSLEY, ENZI, HAGEL, and MILLER as cosponsors. I hope we will have more who will come to the floor and be will-

ing to speak on behalf of this legislation once they understand its importance.

Let me go through the legislation very briefly. It is unlike the rest of the farm bill. A lot of people are still trying to read through the 900 pages of the original farm bill and 900-plus pages of the amendment that was dropped on us. This one is easy.

It says the Secretary may review any agency action proposed by a Federal agency to determine whether the action would likely have a significant adverse economic impact on or jeopardize the personal safety of agricultural producers—farmers. If the Secretary determines that it is likely to have such a significant adverse impact, the Secretary, No. 1, shall consult with the agency head, call him up on the phone, and talk with him; No. 2, advise the agency head on alternatives to the agency action which would be least likely to have a significant economic impact or jeopardize personal safety.

Then, if after a proposed agency action is finalized the Secretary thinks it would have a significant adverse impact described above, the Secretary may defer to the President, who not later than 60 days after the date on which the action is finalized reviews the determination of the Secretary. The President can reverse, preclude, or amend the agency action if the President determines that overturning that action is necessary to prevent the adverse economic impact and is in the public interest.

In considering this, the President takes into account the public record, competing economic interests, and the purposes of agency action.

The President may not overturn an agency action that is necessary to protect human health, safety, or national security, significantly limiting his options. If the President chooses to overturn an agency action, the President has to notify Congress of the decision and submit a detailed justification.

Congress then has the opportunity to review the action under the expedited procedures set forth in the bill which I was very pleased to sponsor back in 1996, the Small Business Regulatory Enforcement Fairness Act, which provides for expedited review in the Senate without the chance of filibuster. By majority vote in both Houses, the President's action overturning any of these adverse impact agency regulations could be reviewed.

That seems to me to give the President the power to step in.

It is my intention to provide, first, the Secretary of Agriculture with the responsibility of looking for these agency actions that may have an adverse impact, calling them to the attention of that agency head, and working to resolve the problems so the objectives of the proposed regulation can be achieved without imposing the burdens that the Secretary believes would be unnecessarily inflicted on farmers.