

resides or carries on business, in order to require the attendance and testimony of the person or the production of records or documents.

(2) **ACTION BY COURT.**—The court may issue an order requiring the person to appear before the Secretary to produce records or documents or to give testimony regarding the matter under investigation.

(d) **CONTEMPT.**—Any failure to obey the order of the court may be punished by the court as a contempt of the court.

(e) **PROCESS.**—Process in any case under this section may be served—

- (1) in the judicial district in which the person resides or carries on business; or
- (2) wherever the person may be found.

#### **SEC. 1091. SUSPENSION OR TERMINATION.**

(a) **MANDATORY SUSPENSION OR TERMINATION.**—The Secretary shall suspend or terminate an order or a provision of an order if the Secretary determines that—

- (1) an order or a provision of an order obstructs or does not tend to effectuate the purpose of this subtitle; or
- (2) an order or a provision of an order is not favored by persons voting in a referendum conducted under section 1087.

(b) **IMPLEMENTATION OF SUSPENSION OR TERMINATION.**—If, as a result of a referendum conducted under section 1087, the Secretary determines that an order is not approved, the Secretary shall—

- (1) not later than 180 days after making the determination, suspend or terminate, as the case may be, collection of assessments under the order; and
- (2) as soon as practicable, suspend or terminate, as the case may be, activities under the order in an orderly manner.

#### **SEC. 1092. AMENDMENTS TO ORDERS.**

The provisions of this subtitle applicable to an order shall be applicable to any amendment to an order, except that section 1087 shall not apply to an amendment.

#### **SEC. 1093. EFFECT ON OTHER LAWS.**

Except as otherwise expressly provided in this subtitle, this subtitle shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an organic product.

#### **SEC. 1094. REGULATIONS.**

The Secretary may promulgate such regulations as are necessary to carry out this subtitle and the power vested in the Secretary under this subtitle.

#### **SEC. 1095. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) **LIMITATION ON EXPENDITURES FOR ADMINISTRATIVE EXPENSES.**—Funds made available to carry out this subtitle may not be expended for the payment of expenses incurred by the Board to administer the order.

#### **Subtitle E—Administration**

**SA 2835.** Mr. CRAIG 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:

At the appropriate place, insert the following:

#### **SEC. 1022. STUDY OF PROPOSAL TO PROHIBIT PACKERS FROM OWNING, FEEDING, OR CONTROLLING LIVESTOCK.**

(a) **IN GENERAL.**—Not later than 270 days after the date of enactment of this Act, the

Secretary of Agriculture shall complete a study to determine the impact that prohibiting packers described in subsection (b) from owning, feeding, or controlling livestock intended for slaughter more than 14 days prior to slaughter would have on—

- (1) livestock producers that market under contract, grid, basis contract, or forward contract;
- (2) rural communities and employees of commercial feedlots associated with a packer;
- (3) private or cooperative joint ventures in packing facilities;
- (4) livestock producers that market feeder livestock to feedlots owned or controlled by packers;
- (5) the market price for livestock (both cash and future prices);
- (6) the ability of livestock producers to obtain credit from commercial sources;
- (7) specialized programs for marketing specific cuts of meat;
- (8) the ability of the United States to compete in international livestock markets; and
- (9) future investment decisions by packers and the potential location of new livestock packing operations.

(b) **PACKERS.**—The packers referred to in subsection (a) are packers that slaughter more than 2 percent of the slaughter of a particular type of livestock slaughter in the United States in any year.

(c) **CONSIDERATION.**—In conducting the study under subsection (a), the Secretary of Agriculture shall—

- (1) consider the legal conditions that have existed in the past regarding the feeding by packers of livestock intended for slaughter; and
- (2) determine the impact of those legal conditions.

(d) **EFFECTIVE OF OTHER PROVISION.**—The section entitled

**PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.** amending section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), shall have no effect.

### **AUTHORITY FOR COMMITTEES TO MEET**

#### **COMMITTEE ON ARMED SERVICES**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 7, 2002, at 9:30 a.m., in open and closed session to receive testimony on the Conduct of Operation Enduring Freedom.

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

#### **COMMITTEE ON ARMED SERVICES**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 7, 2002, at 4:30 p.m. in executive session to meet with members of the United Kingdom's House of Commons Defence Committee.

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

#### **COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on

Thursday, February 7, 2002, at 10 a.m., to conduct an oversight hearing on "Analysis of the Failure of Superior Bank, FSB, Hinsdale, Illinois."

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

#### **COMMITTEE ON FOREIGN RELATIONS**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, 2002, at 10:45 p.m., to hold a hearing titled, "What's Next in the War on Terrorism."

#### **Agenda**

Witnesses: Mr. Samuel R. Berger, Former National Security Advisor, Washington, DC; Gen. George A. Joulwan (Ret.), Former NATO Supreme Allied Commander, Arlington, VA; and Mr. William Kristol, Editor, The Weekly Standard, Chairman, Project for the New American Century, McLean, VA.

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

#### **COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, February 7, 2002, at 10:30 a.m., to hold a hearing entitled "S. 1867, a Bill To Establish the National Commission on Terrorist Attacks Upon the United States."

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

#### **COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Protecting America's Pensions: Lessons From the Enron Debacle," during the session of the Senate on Thursday, February 7, 2002, at 10 a.m.

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

#### **COMMITTEE ON INDIAN AFFAIRS**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 7, 2002, at 10 a.m., in room 485, Russell Senate Building to conduct an oversight hearing on legislative proposals relating to the statute of limitations on claims against the United States related to the management of Indian tribal trust fund accounts.

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

#### **COMMITTEE ON THE JUDICIARY**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 7, 2002, at 10 a.m., in SD226.

#### **Agenda**

#### **Nominations**

Michael Melloy, of Iowa, to be U.S. Court of Appeals Judge for the Eighth

Circuit; Robert Blackburn to be U.S. District Court Judge for the District of Colorado; David L. Bunning to be U.S. District Court Judge for the Eastern District of Kentucky; James Gritzner to be U.S. District Court Judge for the Southern District of Iowa; Cindy Jorgenson to be U.S. District Court Judge for the District of Arizona; Richard Leon to be U.S. District Court Judge for the District of Columbia; and Jay Zainey to be U.S. District Court Judge for the Eastern District of Louisiana.

To Be United States Attorney: Thomas P. Colantuono for the District of New Hampshire and James K. Vines for the Middle District of Tennessee.

To Be United States Marshal: James D. Dawson for the Southern District of West Virginia; Brian Michael Ennis for the District of Nebraska; Nehemiah Flowers for the Southern District of Mississippi; Arthur Jeffrey Hedden for the Eastern District of Tennessee; Johnny Lewis Hughes for the District of Maryland; William C. Jenkins for the Middle District of Louisiana; Randy Merlin Johnson for the District of Alaska; David Glenn Jolley for the Western District of Tennessee; Chester Martin Keely for the Northern District of Alabama; John William Loyd for the Eastern District of Oklahoma; Ronald R. McCubbin for the Western District of Kentucky; David R. Murtaugh for the Western District of Indiana; Michael Wade Roach for the Western District of Oklahoma; Eric Eugene Robertson for the Western District of Washington; David Donald Viles for the District of Maine; and Larry Wade Wagster for the Northern District of Mississippi.

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

#### COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Nomination of Charles W. Pickering to be U.S. Court of Appeals Judge for the Fifth Circuit," on Thursday, February 7, 2002 at 2 p.m., in Dirksen room 226 or, if possible, Hart room 216.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 7, 2002 at 3 p.m. to hold a closed business meeting.

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

#### PRIVILEGE OF THE FLOOR

Mrs. LINCOLN. I ask unanimous consent Dr. Phillip Owens, a fellow from my staff who is from Aurora, AR, be granted the privilege of the floor during the remainder of the farm debate.

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

#### RADIO FREE AFGHANISTAN ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 293, S. 1779.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1779) to authorize the establishment of "Radio Free Afghanistan," and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to insert the part printed in italic.

S. 1779

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio Free Afghanistan Act".

#### SEC. 2. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.

(a) REQUIREMENT OF A DETAILED PLAN.—Not later than 15 days after the date of enactment of this Act, RFE/RL, Incorporated, shall submit to the Broadcasting Board of Governors a report setting forth a detailed plan for the provision by RFE/RL, Incorporated, of surrogate broadcasting services in the Dari and Pashto languages to Afghanistan. Such broadcasting services shall be known as "Radio Free Afghanistan".

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—Effective 15 days after the date of enactment of this Act, or the date on which the report required by subsection (a) is submitted, whichever is later, the Broadcasting Board of Governors is authorized to make grants to support Radio Free Afghanistan.

(2) SUPERSEDES EXISTING LIMITATION ON TOTAL ANNUAL GRANT AMOUNTS.—Grants made to RFE/RL, Incorporated, during the fiscal year 2002 for support of Radio Free Afghanistan may be made without regard to section 308(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(c)).

(c) AVAILABLE AUTHORITIES.—In addition to the authorities in this Act, the authorities applicable to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Foreign Affairs Reform and Restructuring Act of 1998, and other provisions of law consistent with such purpose may be used to carry out the grant authority of subsection (b).

(d) STANDARDS; OVERSIGHT.—Radio Free Afghanistan shall adhere to the same standards of professionalism and accountability, and shall be subject to the same oversight mechanisms, as other services of RFE/RL, Incorporated.

#### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to such amounts as are otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Foreign Affairs Reform and Restructuring Act of 1998, and this Act, and to carry out other authorities in law consistent with such purposes:

(1) For "International Broadcasting Operations", \$8,000,000 for the fiscal year 2002.

(2) For "Broadcasting Capital Improvements", \$9,000,000 for the fiscal year 2002.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

#### SEC. 4. REPEAL OF BAN ON UNITED STATES TRANSMITTER IN KUWAIT.

Section 226 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 423), is repealed.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to and the bill, as amended, be read a third time; the Foreign Relations Committee be discharged from further consideration of H.R. 2998 and that the Senate turn to its immediate consideration; that all after the enacting clause be stricken; the text of S. 1779, as amended, be inserted in lieu thereof, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, that any statements related thereto be printed in the RECORD, and that S. 1779 be returned to the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (H.R. 2998), as amended, was read the third time and passed.

#### ORDERS FOR FRIDAY, FEBRUARY 8, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. tomorrow, Friday, February 8; that following the prayer and pledge, the Journal of proceedings be approved to date, 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 S. 1731.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, as indicated, we do have a list of finite amendments. As a result of that agreement, there will be no rollcall votes tomorrow. However, there will be amendments offered. We have a tentative list of individuals who will offer amendments tomorrow. It should go into the early afternoon. The next rollcall vote will occur Monday at about 5:45 p.m.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. 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 7:21 p.m., adjourned until Friday, February 8, 2002, at 9:30 a.m.