

and monuments, and building 63,256 structures and 8,045 wells and pump houses;

Whereas the benefits of many CCC projects are still enjoyed by Americans today in national and state parks, forests, and other lands, including the National Arboretum in Washington, DC, Bandelier National Monument in New Mexico, Great Smoky Mountains National Park in North Carolina and Tennessee, Yosemite National Park in California, Acadia National Park in Maine, Rocky Mountain National Park in Colorado, and Vicksburg National Military Park in Mississippi;

Whereas the CCC provided a foundation of self-confidence, responsibility, discipline, cooperation, communication, and leadership for its participants through education, training, and hard work, and participants made many lasting friendships in the CCC;

Whereas the CCC demonstrated the commitment of the United States to the conservation of land, water, and natural resources on a national level and to leadership in the world on public conservation efforts; and

Whereas the conservation of the Nation's land, water, and natural resources is still an important goal of the American people: Now, therefore, be it

Resolved, That the Senate—

(1) designates both March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. BINGAMAN. Mr. President, I am pleased to submit a resolution today with Senators LUGAR, CARNAHAN, BOND, TORRICELLI and DEWINE, designating March 31, 2002 and March 31, 2003 as "National Civilian Conservation Corps Day." March 31, 2002 is the 69th anniversary and March 31, 2003 is the 70th anniversary of the signing by President Roosevelt of the Emergency Conservation Work Act, the precursor to the Civilian Conservation Corps Act.

The Civilian Conservation Corps, commonly known as the CCC, was a Depression-era public works program started by President Franklin D. Roosevelt. The CCC put over 3 million young men to work on natural resources conservation and public lands infrastructure improvements. Many of the physical accomplishments of the CCC are still visible, but even more importantly, the CCC also provided its participants with education, lasting friendships, a cooperative spirit, and a foundation of self-confidence and discipline.

Americans still enjoy the benefits of the work done by the CCC in the 1930s and 1940s at national and state parks across the U.S. CCC participants planted more than 3 billion trees, developed more than 800 state parks, improved more than 3,000 beaches and are responsible for countless monuments, signs, wells, and other improvements. CCC camps were located in every State, including the then-territories of Hawaii and Alaska.

CCC alumni across the country still share the bonds of friendship and hard work. The National Association of Civilian Conservation Corps Alumni has thousands of active members from all

50 States whose lives were often dramatically changed for the better by their enrollment years ago. Many traveled for the first time, learned new trades and developed self-confidence, while sending much-needed money home to their families during the Depression.

This resolution would pay tribute to the lasting contribution of the CCC to natural resources conservation and infrastructure improvements and to its outstanding success in providing employment and training to millions of Americans.

SENATE CONCURRENT RESOLUTION 96—COMMENDING PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN FOR HIS LEADERSHIP AND FRIENDSHIP AND WELCOMING HIM TO THE UNITED STATES

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 96

Whereas President Pervez Musharraf of Pakistan has shown courageous leadership in cooperating with the United States in the campaign in Afghanistan;

Whereas President Musharraf has shown great fortitude in confronting domestic extremists;

Whereas the efforts of President Musharraf in promoting moderation are both in the national interest of Pakistan and of great importance to Pakistani-American relations;

Whereas the war against terrorism underscores the importance of strengthening the historic bilateral relationship between the United States and Pakistan;

Whereas President Musharraf has worked to improve the political representation of minorities in Pakistan; and

Whereas the Pakistani-American community in the United States makes important contributions to the United States and plays a vital role in developing a closer relationship between the peoples of the United States and Pakistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends President Pervez Musharraf of Pakistan for his leadership and friendship and welcomes him to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2845. Mr. McCONNELL 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.

SA 2846. Mr. ENZI proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2847. Mr. WELLSTONE proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2848. Mr. LUGAR (for Mr. GRAMM) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2849. Mr. LUGAR (for Mr. GRAMM) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2850. Mr. LUGAR (for Mr. KYL for himself, Mr. NICKLES, and Mr. HUTCHINSON) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2851. Mr. LUGAR (for Mr. DOMENICI) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2852. Mr. HARKIN (for Mr. KERRY (for himself and Ms. SNOWE)) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2853. Mr. HARKIN proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2854. Mr. LUGAR (for Mr. McCONNELL) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2855. Mr. LUGAR (for Mr. KYL) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

SA 2856. Mr. HARKIN proposed an amendment to amendment SA 2845 submitted by Mr. McCONNELL and intended to be proposed to the amendment SA 2471 proposed by Mr. DASCHLE to the bill (S. 1731) supra.

SA 2857. Mr. REID (for Mr. CONRAD) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra.

TEXT OF AMENDMENTS

SA 2845. Mr. McCONNELL 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:

On page 128, after line 8, add the following:
SEC. 1. REDUCTION OF COMMODITY BENEFITS TO IMPROVE NUTRITION ASSISTANCE.

(a) **INCOME PROTECTION PRICES FOR COUNTER-CYCICAL PAYMENTS.**—Section 114(c) of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraph (2) and inserting the following:

"(2) **INCOME PROTECTION PRICES.**—The income protection prices for contract commodities under paragraph (1)(A) are as follows:

"(A) Wheat, \$3.4460 per bushel.

"(B) Corn, \$2.3472 per bushel.

"(C) Grain sorghum, \$2.3472 per bushel.

"(D) Barley, \$2.1973 per bushel.

"(E) Oats, \$1.5480 per bushel.

"(F) Upland cotton, \$0.6793 per pound.

"(G) Rice, \$9.2914 per hundredweight.

"(H) Soybeans, \$5.7431 per bushel.

"(I) Oilseeds (other than soybeans), \$0.1049 per pound."

(b) **LOAN RATES FOR MARKETING ASSISTANCE LOANS.**—

(1) **IN GENERAL.**—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 123(a)) is amended to read as follows:

"SEC. 132. LOAN RATES.

"The loan rate for a marketing assistance loan under section 131 for a loan commodity shall be—

“(1) in the case of wheat, \$2.9960 per bushel;
 “(2) in the case of corn, \$2.0772 per bushel;
 “(3) in the case of grain sorghum, \$2.0772 per bushel;

“(4) in the case of barley, \$1.9973 per bushel;

“(5) in the case of oats, \$1.4980 per bushel;

“(6) in the case of upland cotton, \$0.5493 per pound;

“(7) in the case of extra long staple cotton, \$0.7965 per pound;

“(8) in the case of rice, \$6.4914 per hundredweight;

“(9) in the case of soybeans, \$5.1931 per bushel;

“(10) in the case of oilseeds (other than soybeans), \$0.0949 per pound;

“(11) in the case of graded wool, \$1.00 per pound;

“(12) in the case of nongraded wool, \$.40 per pound;

“(13) in the case of mohair, \$2.00 per pound;

“(14) in the case of honey, \$.60 per pound;

“(15) in the case of dry peas, \$6.78 per hundredweight;

“(16) in the case of lentils, \$12.79 per hundredweight;

“(17) in the case of large chickpeas, \$17.44 per hundredweight; and

“(18) in the case of small chickpeas, \$8.10 per hundredweight.”.

(2) ADJUSTMENT OF LOANS.—

(A) IN GENERAL.—The amendment made by section 123(b) is repealed.

(B) APPLICABILITY.—Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) shall be applied and administered as if the amendment made by section 123(b) had not been enacted.

(C) FOOD STAMP PROGRAM.—

(1) SIMPLIFIED RESOURCE ELIGIBILITY LIMIT.—Section 5(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(1)) is amended by striking “a member who is 60 years of age or older” and inserting “an elderly or disabled member”.

(2) INCREASE IN BENEFITS TO HOUSEHOLDS WITH CHILDREN.—Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking paragraph (1) and inserting the following:

“(1) STANDARD DEDUCTION.—

“(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Secretary shall allow a standard deduction for each household that is—

“(i) equal to the applicable percentage specified in subparagraph (D) of the income standard of eligibility established under subsection (c)(1); but

“(ii) not less than the minimum deduction specified in subparagraph (E).

“(B) GUAM.—The Secretary shall allow a standard deduction for each household in Guam that is—

“(i) equal to the applicable percentage specified in subparagraph (D) of twice the income standard of eligibility established under subsection (c)(1) for the 48 contiguous States and the District of Columbia; but

“(ii) not less than the minimum deduction for Guam specified in subparagraph (E).

“(C) HOUSEHOLDS OF 6 OR MORE MEMBERS.—The income standard of eligibility established under subsection (c)(1) for a household of 6 members shall be used to calculate the standard deduction for each household of 6 or more members.

“(D) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (A), the applicable percentage shall be—

“(i) 8 percent for each of fiscal years 2002 through 2004;

“(ii) 8.5 percent for each of fiscal years 2005 through 2007;

“(iii) 9 percent for each of fiscal years 2008 through 2010; and

“(iv) 10 percent for each fiscal year thereafter.

“(E) MINIMUM DEDUCTION.—The minimum deduction shall be \$134, \$229, \$189, \$269, and \$118 for the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States, respectively.”.

(3) EFFECTIVENESS OF CERTAIN PROVISIONS.—Sections 413 and 165(c)(1) shall have no effect.

SA 2846. Mr. ENZI 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:

On page 337, strike line 11 and insert the following:

SEC. 309. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

“SEC. 209. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.

“(a) IN GENERAL.—The President may establish a pilot emergency relief program under this title to provide live lamb to Afghanistan on behalf of the people of the United States.

“(b) REPORT.—Not later than January 1, 2004, the Secretary shall submit to Congress a report that—

“(1)(A) evaluates the success of the program under subsection (a); or

“(B) if the program has not succeeded or has not been implemented, explains in detail why the program has not succeeded or has not been implemented; and

“(2) discusses the feasibility and desirability of providing assistance in the form of live animals.”.

SA 2847. Mr. WELLSTONE 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:

Beginning on page 217, strike line 12 and all that follows through page 235, line 6 and insert the following:

(iii) REQUIREMENT.—A comprehensive nutrient management plan shall meet all Federal, State, and local water quality and public health goals and regulations, and in the case of a large confined livestock operation (as defined by the Secretary), shall include all necessary and essential land treatment practices and determined by the Secretary.

(3) ELIGIBLE LAND.—The term “eligible land” means agriculture land (including cropland, grassland, rangeland, pasture, private nonindustrial forest land and other land on which crops or livestock are produced), including agricultural land that the Secretary determines poses a serious threat to

soil, water, or related resources by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards.

(4) INNOVATIVE TECHNOLOGY.—The term “innovative technology” means a new conservation technology that, as determined by the Secretary—

(A) maximizes environmental benefits;

(B) complements agricultural production; and

(C) may be adopted in a practical manner.

(5) LAND MANAGEMENT PRACTICE.—The term “land management practice” means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resource.

(6) LIVESTOCK.—The term “livestock” means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and other such animals as are determined by the Secretary.

(7) MANAGED GRAZING.—The term “managed grazing” means the application of 1 or more practices that involve the frequent rotation of animals on grazing land to—

(A) enhance plant health;

(B) limit soil erosion;

(C) protect ground and surface water quality; or

(D) benefit wildlife.

(8) MAXIMIZE ENVIRONMENTAL BENEFITS PER DOLLAR EXPENDED.—

(A) IN GENERAL.—The term “maximize environmental benefits per dollar expended” means to maximize environmental benefits to the extent the Secretary determines is practicable and appropriate, taking into account the amount of funding made available to carry out this chapter.

(B) LIMITATION.—The term “maximize environmental benefits per dollar expended” does not require the Secretary—

(i) to require the adoption of the least cost practice or technical assistance; or

(ii) to require the development of a plan under section 1240E as part of an application for payments or technical assistance.

(9) PRACTICE.—The term “practice” means 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices.

(10) PRODUCER.—

(A) IN GENERAL.—The term “producer” means an owner, operator, landlord, tenant, or sharecropper that—

(i) shares in the risk of producing any crop or livestock; and

(ii) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced).

(B) HYBRID SEED GROWERS.—In determining whether a grower of hybrid seed is producer, the Secretary shall not take into consideration the existence of hybrid seed contract.

(11) PROGRAM.—The term “program” means the environmental quality incentives program comprised of sections 1240 through 1240J.

(12) STRUCTURAL PRACTICE.—The term “structural practice” means—

(A) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, tailwater pit, permanent wildlife habitat, constructed wetland, or other structural practice that the Secretary

determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation; and

(B) the capping of abandoned wells on eligible land.

SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—During each of the 2002 through 2006 fiscal years, the Secretary shall provide technical assistance, cost-share payments, and incentive payments to producers that enter into contracts with the Secretary under the program.

(2) **ELIGIBLE PRACTICES.**—

(A) **STRUCTURAL PRACTICES.**—A producer that implements a structural practice shall be eligible for any combination of technical assistance, cost-share payments, and education.

(B) **LANDS MANAGEMENT PRACTICES.**—A producer that performs a land management practice shall be eligible for any combination of technical assistance, incentive payments, and education.

(C) **COMPREHENSIVE NUTRIENT MANAGEMENT PLANNING.**—A producer that develops a comprehensive nutrient management plan shall be eligible for any combination of technical assistance, incentive payments, and education.

(3) **EDUCATION.**—The Secretary may provide conservation education at national, State, and local levels consistent with the purposes of the program to—

(A) any producer that is eligible for assistance under the program; or

(B) any producer that is engaged in the production of an agricultural commodity.

(b) **APPLICATION AND TERM.**—With respect to practices implemented under this program—

(1) a contract between a producer and the Secretary may—

(A) apply to 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices; and

(B) have a term of not less than 3, or more than 10 years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract;

(2) a producer may not enter into more than 1 contract for structural practices involving livestock nutrient management during the period of fiscal years 2002 through 2006; and

(3) a producer that has an interest in more than 1 large confined livestock operation, as defined by the Secretary, may not enter into more than 1 contract for cost-share payments for a storage or treatment facility, or associated waste transport or transfer device, to manage manure, process wastewater, or other animal waste generated by the large confined livestock feeding operation.

(c) **APPLICATION AND EVALUATION.**—

(1) **IN GENERAL.**—The Secretary shall establish an application and evaluation process for awarding technical assistance, cost share payments and incentive payments to a producer in exchange for the performance of 1 or more practices that maximize environmental benefits per dollar expended.

(2) **COMPARABLE ENVIRONMENTAL VALUE.**—

(A) **IN GENERAL.**—The Secretary shall establish a process for selecting applications for technical assistance, cost share payments, and incentive payments in any case in which there are numerous applications for assistance for practices that would provide substantially the same level of environmental benefits.

(B) **CRITERIA.**—The process under subparagraph (A) shall be based on—

(i) a reasonable estimate of the projected cost of the proposals described in the applications; and

(ii) the priorities established under the program, and other factors, that maximize environmental benefits per dollar expended.

(3) **CONSENT OF OWNER.**—If the producer making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the producer shall obtain the consent of the owner of the land with respect to the offer.

(4) **BIDDING DOWN.**—If the Secretary determines that the environmental values of 2 or more applications for technical assistance, cost-share payments, or incentive payments are comparable, the Secretary shall not assign a higher priority to the application only because it would present the least cost to the program established under the program.

(d) **COST-SHARE PAYMENTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the cost-share payments provided to a producer proposing to implement 1 or more practices under the program shall be not more than 75 percent of the cost of the practice, as determined by the Secretary.

(2) **EXCEPTIONS.**—

(A) **LIMITED RESOURCE AND BEGINNING FARMERS.**—The Secretary may increase the amount provided to a producer under paragraph (1) to not more than 90 percent if the producer is a limited resource or beginning farmer or rancher, as determined by the Secretary.

(B) **COST-SHARE ASSISTANCE FROM OTHER SOURCES.**—Except as provided in paragraph (3), any cost-share payments received by a producer from a State or private organization or person for the implementation of 1 or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under paragraph (1).

(3) **OTHER PAYMENTS.**—A producer shall not be eligible for cost-share payments for practices on eligible land under the program if the producer receives cost-share payments or other benefits for the same practice on the same land under chapter 1 and the program.

(e) **INCENTIVE PAYMENTS.**—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer to perform 1 or more practices.

(f) **TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary shall allocate funding under the program for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided for a fiscal year.

(2) **AMOUNT.**—The allocated amount may vary according to—

(A) the type of expertise required;

(B) the quantity of time involved; and

(C) other factors as determined appropriate by the Secretary.

(3) **LIMITATION.**—Funding for technical assistance under the program shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.

(4) **OTHER AUTHORITIES.**—The receipt of technical assistance under the program shall not affect the eligibility of the producer to receive technical assistance under other authorities of law available to the Secretary.

(5) **INCENTIVE PAYMENTS FOR TECHNICAL ASSISTANCE.**—

(A) **IN GENERAL.**—A producer that is eligible to receive technical assistance for a practice involving the development of a comprehensive nutrient management plan may obtain an incentive payment that can be used to obtain technical assistance associated with the development of any component of the comprehensive nutrient management plan.

(B) **PURPOSE.**—The purpose of the payment shall be to provide a producer the option of

obtaining technical assistance for developing any component of a comprehensive nutrient management plan from a certified provider.

(C) **PAYMENT.**—The incentive payment shall be—

(i) in addition to cost-share or incentive payments that a producer would otherwise receive for structural practices and land management practices;

(ii) used only to procure technical assistance from a certified provider that is necessary to develop any component of a comprehensive nutrient management plan; and

(iii) in an amount determined appropriate by the Secretary, taking into account—

(I) the extent and complexity of the technical assistance provided;

(II) the costs that the Secretary would have incurred in providing the technical assistance; and

(III) the costs incurred by the private provider in providing the technical assistance.

(D) **ELIGIBLE PRACTICES.**—The Secretary may determine, on a case by case basis, whether the development of a comprehensive nutrient management plan is eligible for an incentive payment under this paragraph.

(E) **CERTIFICATION BY SECRETARY.**—

(i) **IN GENERAL.**—Only persons that have been certified by the Secretary under section 1244(f)(3) shall be eligible to provide technical assistance under this subsection.

(ii) **QUALITY ASSURANCE.**—The Secretary shall ensure that certified providers are capable of providing technical assistance regarding comprehensive nutrient management in a manner that meets the specifications and guidelines of the Secretary and that meets the needs of producers under the program.

(F) **ADVANCE PAYMENT.**—On the determination of the Secretary that the proposed comprehensive nutrient management of a producer is eligible for an incentive payment, the producer may receive a partial advance of the incentive payment in order to procure the services of a certified provider.

(G) **FINAL PAYMENT.**—The final installment of the incentive payment shall be payable to a producer on presentation to the Secretary of documentation that is satisfactory to the Secretary and that demonstrates—

(i) completion of the technical assistance; and

(ii) the actual cost of the technical assistance.

(g) **MODIFICATION OR TERMINATION OF CONTRACTS.**—

(1) **VOLUNTARY MODIFICATION OR TERMINATION.**—The Secretary may modify or terminate a contract entered into with a producer under this chapter if—

(A) the producer agrees to the modification or termination; and

(B) the Secretary determines that the modification or termination is in the public interest.

(2) **INVOLUNTARY TERMINATION.**—The Secretary may terminate a contract under this chapter if the Secretary determines that the producer violated the contract.

SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

(a) **IN GENERAL.**—In evaluating applications for technical assistance, cost-share payments, and incentive payments, the Secretary shall accord a higher priority to assistance and payments that—

(1) maximize environmental benefits per dollar expended; and

(2)(A) address national conservation priorities, including—

(i) meeting Federal, State, and local environmental purposes focused on protecting air and water quality, including assistance to production systems and practices that avoid subjecting an operation to Federal, State, or local environmental regulatory systems;

(ii) applications from livestock producers using managed grazing systems and other pasture and forage based systems;

(iii) comprehensive nutrient management;

(iv) water quality, particularly in impaired watersheds;

(v) soil erosion;

(vi) air quality; or

(vii) pesticide and herbicide management or reduction;

(B) are provided in conservation priority areas established under section 1230(c);

(C) are provided in special projects under section 1243(f)(4) with respect to which State or local governments have provided, or will provide, financial or technical assistance to producers for the same conservation or environmental purposes; or

(D) an innovative technology in connection with a structural practice or land management practice.

SEC. 1240D. DUTIES OF PRODUCERS.

(a) To receive technical assistance, cost-share payments, or incentive payments under the program, a producer shall agree—

(1) to implement an environmental quality incentives program plan that describes conservation and environmental purposes to be achieved through 1 or more practices that are approved by the Secretary;

(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of the program;

(3) on the violation of a term or condition of the contract at any time the producer has control of the land—

(A) if the Secretary determines that the violation warrants termination of the contract—

(i) to forfeit all rights to receive payments under the contract; and

(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any interest on the payments, as determined by the Secretary; or

(B) if the Secretary determines that the violation does not warrant termination of the contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate;

(4) on the transfer of the right and interest of the producer in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-share payments and incentive payments received under the program, as determined by the Secretary;

(5) to supply information as required by the Secretary to determine compliance with the program plan and requirements of the program;

(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the program plan; and

(7) to submit a list of all confined livestock feeding operations wholly or partially owned or operated by the applicant.

SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(A) IN GENERAL.—To be eligible to receive technical assistance, cost-share payments, or incentive payments under the program, a producer of a livestock or agricultural operation shall submit to the Secretary for approval a plan of operations that specifies practices covered under the program, and is based on such terms and conditions, as the Secretary considers necessary to carry out the program, including a description of the practices to be implemented and the purposes to be met by the implementation of the plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient

management plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan.

(b) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

SEC. 1240F. DUTIES OF THE SECRETARY.

(a) To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—

(1) providing technical assistance in developing and implementing the plan;

(2) providing technical assistance, cost-share payments, or incentive payments for developing and implementing 1 or more practices, as appropriate;

(3) providing the producer with information, education, and training to aid in implementation of the plan; and

(4) encouraging the producer to obtain technical assistance, cost-share payments, or grants from other Federal, State, local, or private sources.

SEC. 1240G. LIMITATION ON PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the total amount of cost-share and incentive payments paid to a producer under this chapter shall not exceed—

(1) \$30,000 for any fiscal year, regardless of whether the producer has more than 1 contract under this chapter for the fiscal year;

(2) \$90,000 for a contract with a term of 3 years;

(3) \$120,000 for a contract with a term of 4 years; or

(4) \$150,000 for a contract with a term of more than 4 years.

(b) ATTRIBUTION.—An individual or entity shall not receive, directly or indirectly, total payments from a single or multiple contracts this chapter that exceed \$30,000 for any fiscal year.

(c) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment to a producer under subsection (a)(1) if the Secretary determines that a larger payment is—

(1) essential to accomplish the land management practice or structural practice for which the payment is made to the producer; and

(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter.

(d) VERIFICATION.—The Secretary shall identify individuals and entities that are eligible for a payment under the program using social security numbers and taxpayer identification numbers, respectively.

SA 2848. Mr. LUGAR (for Mr. GRAMM) 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:

(1) Title XII of H.R. 5426 of the 106th Congress, as introduced on October 6, 2000 and as enacted by Public Law 106-387 is hereby repealed.

SA 2849. Mr. LUGAR (for Mr. GRAMM) 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:

Section 1205 of the Hass Avocado Promotion, Research, and Information Act (contained in H.R. 5426 of the 106th Congress, as introduced on October 6, 2000 and as enacted by Public Law 106-387) is amended—

(1) in paragraph (b)(2) by striking subparagraph (A) and inserting in lieu thereof:

“(A) IN GENERAL.—The order shall provide that the Secretary shall appoint the members of the Board, and any alternates, from among domestic producers and importers of Hass avocados subject to assessments under the order to reflect the proportion of domestic production and imports supplying the United States market, which shall be based on the Secretary’s determination of the average volume of domestic production of Hass avocados proportionate to the average volume of imports of Hass avocados in the United States over the previous three years.

(2) in paragraph (b)(2)(B) by striking “under subparagraph (A)(iii) on the basis of the amount of assessments collected from producers and importers over the immediately preceding three-year period” and inserting “under subparagraph (A)”.

(3) in paragraph (h)(1)(C)(iii) by striking everything in the first sentence following “by the importer” and inserting in lieu thereof “to the respective importers association, or if there is no such association to the Board, within such time period after the retail sale of such avocados in the United States (not to exceed 60 days after the end of the month in which the sale took place) as is specified for domestically produced avocados.”; and

(4) in paragraph (9) by inserting at the end the following:

“(D) All importers of avocados from a country associated with an importers association based on country-of-origin activities shall be required to be members of such importers association, and membership in such importers association shall be open to any foreign avocado exporter or grower who elects to voluntarily join.”

SA 2850. Mr. LUGAR (for Mr. KYL (for himself, Mr. NICKLES, AND MR. HUTCHINSON)) 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. . SENSE OF THE SENATE ON PERMANENT REPEAL OF ESTATE TAXES.

(a) FINDINGS.—

(1) The Economic Growth and Tax Relief Reconciliation Act of 2001 provided substantial relief from federal estate and gift taxes beginning this year and repealed the federal estate tax for one year beginning on January 1, 2010, and

(2) The Economic Growth and Tax Relief Reconciliation Act of 2001 contains a "sunset" provision that reinstates the federal estate tax at its 2001 level beginning on January 1, 2011;

(b) SENSE OF THE SENATE.—Therefore, it is the Sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision's applicability to the estate tax.

SA 2851. Mr. LUGAR (for Mr. DOMENICI) 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 section 132 and insert the following:
SEC. 132. NATIONAL DAIRY PROGRAM.

The Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 772(b) of Public Law 107-76) is amended by inserting after section 141 (7 U.S.C. 7251) the following:

"SEC. 142. NATIONAL DAIRY PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DAIRY FARM.—

"(A) IN GENERAL.—The term 'dairy farm' means a dairy farm that is—

"(i) located within the United States;

"(ii) permitted under a license issued by State or local agency or the Secretary—

"(I) to market milk for human consumption; or

"(II) to process milk into products for human consumption; and

"(iii) operated by producers that commercially market milk during the payment period.

"(B) EXCLUSION.—The term 'dairy farm' does not include a farm that is operated by a successor to a producer.

"(2) ELIGIBLE PRODUCTION.—The term 'eligible production' means the quantity of milk that is produced and marketed on a dairy farm.

"(3) PAYMENT PERIOD.—The term 'payment period' means—

"(A) the period beginning on December 1, 2001, and ending on September 30, 2002; and

"(B) each of fiscal years 2003 through 2005.

"(4) PRODUCER.—The term 'producer' means the individual or entity that is the holder of the license described in paragraph (1)(A)(ii) for the dairy farm.

"(b) PROGRAM.—The Secretary shall make payments to producers.

"(c) AMOUNT.—Subject to subsection (h), payments to producers on a dairy farm under this section shall be calculated by multiplying—

"(1) the eligible production during the payment period; by

"(2) the payment rate.

"(d) PAYMENT RATE.—

"(1) IN GENERAL.—Subject to paragraph (2), the payment rate for a payment under this subsection shall be equal to \$0.315 per hundredweight.

"(2) ADJUSTMENT.—The Secretary may adjust the payment rate under paragraph (1) with respect to the last fiscal year of the payment period if the Secretary determines that there are insufficient funds made available under subsection (h) to carry out this section for that fiscal year.

"(e) APPLICATION FOR PAYMENT.—To be eligible for a payment for a payment period under this section, the producers on a dairy farm shall submit an application to the Sec-

retary in such manner as is prescribed by the Secretary.

"(f) TIMING OF PAYMENTS.—Payments under this section shall be made on an annual basis.

"(g) ADJUSTMENTS.—The Secretary may provide for the adjustment of eligible production of a dairy farm under this section if the production of milk on the dairy farm has been adversely affected by (as determined by the Secretary)—

"(1) damaging weather or a related condition;

"(2) a criminal act of a person other than the producers on the dairy farm; or

"(3) any other act or event beyond the control of the producers on the dairy farm.

"(h) FUNDING.—The Secretary shall use not more than \$2,000,000,000 of funds of the Commodity Credit Corporation to carry out this section."

SA 2852. Mr. HARKIN (for Mr. KERRY (for himself and Ms. SNOWE)) 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. . COMMERCIAL FISHERIES FAILURE.

(a) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there are appropriated to the Department of Agriculture \$10,000,000 for fiscal year 2002, which shall be transferred to the Commodity Credit Corporation to provide, in consultation with the Secretary of Commerce, emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries.

(b) PROGRAM REQUIREMENTS.—Amounts made available under this section shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that—

(1) is certified by the Secretary of Commerce to be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)); and

(2) permanently revokes multispecies limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program.

(c) APPLICATION OF INTERIM FINAL RULE.—The program shall be carried out in accordance with the Interim Final Rule under part 648 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereunder.

(d) SUNSET.—The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

SA 2853. Mr. HARKIN 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, add the following:

Amend Section 602 by adding after the word "concern" at the end of subsection 384I(c)(3)(C) the words "and not more than 10 percent of the investments shall be made in an area containing a city of over 100,000 in the last decennial Census and the Census Bureau defined urbanized area containing or adjacent to that city".

SA 2854. Mr. LUGAR (for Mr. MCCONNELL) 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:

On page 984, line 2, strike the period at the end and insert a period and the following:

SEC. 10 . BEAR PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Bear Protection Act of 2002".

(b) FINDINGS.—Congress finds that—

(1) all 8 extant species of bear—Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear—are listed on Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(2)(A) Article XIV of CITES provides that Parties to CITES may adopt stricter domestic measures regarding the conditions for trade, taking, possession, or transport of species listed on Appendix I or II; and

(B) the Parties to CITES adopted a resolution in 1997 (Conf. 10.8) urging the Parties to take immediate action to demonstrably reduce the illegal trade in bear parts;

(3)(A) thousands of bears in Asia are cruelly confined in small cages to be milked for their bile; and

(B) the wild Asian bear population has declined significantly in recent years as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(4) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(5) while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(6) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the interstate trade, of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

(c) PURPOSE.—The purpose of this section is to ensure the long-term viability of the world's 8 bear species by—

(1) prohibiting interstate and international trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera;

(2) encouraging bilateral and multilateral efforts to eliminate such trade; and

(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

(d) DEFINITIONS.—In this section:

(1) BEAR VISCERA.—The term “bear viscera” means the body fluids or internal organs, including the gallbladder and its contents but not including the blood or brains, of a species of bear.

(2) CITES.—The term “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 U.S.T. 1087; TIAS 8249).

(3) IMPORT.—The term “import” means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, regardless of whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) PERSON.—The term “person” means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State or political subdivision of a State; or

(iii) any foreign government; and

(C) any other entity subject to the jurisdiction of the United States.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(7) TRANSPORT.—The term “transport” means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

(e) PROHIBITED ACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person shall not—

(A) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(B) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(2) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subsection (d)(4)(B) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(A) is solely for the purpose of enforcing laws relating to the protection of wildlife; and

(B) is authorized by a valid permit issued under Appendix I or II of CITES, in any case in which such a permit is required under CITES.

(f) PENALTIES AND ENFORCEMENT.—

(1) CRIMINAL PENALTIES.—A person that knowingly violates subsection (e) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) CIVIL PENALTIES.—

(A) AMOUNT.—A person that knowingly violates subsection (e) may be assessed a civil penalty by the Secretary of not more than \$25,000 for each violation.

(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph

shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(3) SEIZURE AND FORFEITURE.—Any bear viscera or any product, item, or substance imported, exported, sold, bartered, attempted to be imported, exported, sold, or bartered, offered for sale or barter, purchased, possessed, transported, delivered, or received in violation of this subsection (including any regulation issued under this subsection) shall be seized and forfeited to the United States.

(4) REGULATIONS.—After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this subsection.

(5) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this subsection in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(6) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this subsection shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

(g) DISCUSSIONS CONCERNING BEAR CONSERVATION AND THE BEAR PARTS TRADE.—In order to seek to establish coordinated efforts with other countries to protect bears, the Secretary shall continue discussions concerning trade in bear viscera with—

(1) the appropriate representatives of Parties to CITES; and

(2) the appropriate representatives of countries that are not parties to CITES and that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or consumers of bear viscera.

(h) CERTAIN RIGHTS NOT AFFECTED.—Except as provided in subsection (e), nothing in this section affects—

(1) the regulation by any State of the bear population of the State; or

(2) any hunting of bears that is lawful under applicable State law (including regulations).

SA 2855. Mr. LUGAR (for Mr. KYL) 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:

On page 8, line 19, insert the following:

“(12) IMPLEMENTATION.—In carrying out the program, the Secretary shall—

“(A) ensure, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

“(B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

“(C) comply with—

“(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

“(ii) all procedural and substantive State water law.”

On page 8, line 19, strike “(12)” and insert “(13)”.

On page 9, line 16, strike “(13) and insert “(14)”.

On page 17, line 20, insert the following:

“(1) IN GENERAL.—Nothing in this section—
On page 17, line 21, strike “(1)” and insert “(A)”.

On page 17, line 22, strike “(2)” and insert “(B)”.

On page 18, line 1, strike “(3)” and insert “(C)”.

On page 18, line 5, strike “(4)” and insert “(D)”.

On page 18, line 7, insert the following:

“(2) IMPLEMENTATION.—In carrying out the program, the Secretary shall—

“(A) ensure, to the maximum extent practicable, that the program does not undermine the implementation of any law in effect as of the date of enactment of this chapter that concerns the transfer or acquisition of water or water rights on a permanent basis;

“(B) implement the program in accordance with the purposes of such laws described in subparagraph (A) as are applicable; and

“(C) comply with—

“(i) all interstate compacts, court decrees, and Federal or State laws (including regulations) that may affect water or water rights; and

“(ii) all procedural and substantive State water law.”

SA 2856. Mr. HARKIN proposed an amendment to amendment SA 2845 submitted by Mr. MCCONNELL 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:

Strike all after the first word and insert the following:

SEC. 1. REDUCTION OF COMMODITY BENEFITS TO ESTABLISH A PILOT PROGRAM FOR FARM COUNTERCYCLICAL SAVINGS ACCOUNTS.

(a) INCOME PROTECTION PRICES FOR COUNTER-CYCLICAL PAYMENTS.—Section 114(c) of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraph (2) and inserting the following:

“(2) INCOME PROTECTION PRICES.—The income protection prices for contract commodities under paragraph (1)(A) are as follows:

“(A) Wheat, \$3.4460 per bushel.

“(B) Corn, \$2.3472 per bushel.

“(C) Grain sorghum, \$2.3472 per bushel.

“(D) Barley, \$2.1973 per bushel.

“(E) Oats, \$1.5480 per bushel.

“(F) Upland cotton, \$0.6793 per pound.

“(G) Rice, \$9.2914 per hundredweight.

“(H) Soybeans, \$5.7431 per bushel.

“(I) Oilseeds (other than soybeans), \$0.1049 per pound.”

(b) LOAN RATES FOR MARKETING ASSISTANCE LOANS.—

(1) IN GENERAL.—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 123(a)) is amended to read as follows:

“SEC. 132. LOAN RATES.

“The loan rate for a marketing assistance loan under section 131 for a loan commodity shall be—

“(1) in the case of wheat, \$2.9960 per bushel;

“(2) in the case of corn, \$2.0772 per bushel;
“(3) in the case of grain sorghum, \$2.0772 per bushel;

“(4) in the case of barley, \$1.9973 per bushel;

“(5) in the case of oats, \$1.4980 per bushel;

“(6) in the case of upland cotton, \$0.5493 per pound;

“(7) in the case of extra long staple cotton, \$0.7965 per pound;

“(8) in the case of rice, \$6.4914 per hundredweight;

“(9) in the case of soybeans, \$5.1931 per bushel;

“(10) in the case of oilseeds (other than soybeans), \$0.0949 per pound;

“(11) in the case of graded wool, \$1.00 per pound;

“(12) in the case of nongraded wool, \$.40 per pound;

“(13) in the case of mohair, \$2.00 per pound;

“(14) in the case of honey, \$.60 per pound;

“(15) in the case of dry peas, \$6.78 per hundredweight;

“(16) in the case of lentils, \$12.79 per hundredweight;

“(17) in the case of large chickpeas, \$17.44 per hundredweight; and

“(18) in the case of small chickpeas, \$8.10 per hundredweight.”.

(2) ADJUSTMENT OF LOANS.—

(A) IN GENERAL.—The amendment made by section 123(b) is repealed.

(B) APPLICABILITY.—Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) shall be applied and administered as if the amendment made by section 123(b) had not been enacted.

SEC. 1. PILOT PROGRAM FOR FARM COUNTER-CYCLICAL SAVINGS ACCOUNTS.

Subtitle B of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7211 et seq.) is amended by adding at the end the following:

“SEC. 119. PILOT PROGRAM FOR FARM COUNTER-CYCLICAL SAVINGS ACCOUNTS.

“(a) DEFINITIONS.—In this section:

“(1) ADJUSTED GROSS REVENUE.—The term ‘adjusted gross revenue’ means the adjusted gross income for all agricultural enterprises of a producer in a year, excluding revenue earned from nonagricultural sources, as determined by the Secretary—

“(A) by taking into account gross receipts from the sale of crops and livestock on all agricultural enterprises of the producer, including insurance indemnities resulting from losses in the agricultural enterprises;

“(B) by including all farm payments paid by the Secretary for all agricultural enterprises of the producer, including any marketing loan gains described in section 1001(3)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(3)(A));

“(C) by deducting the cost or basis of livestock or other items purchased for resale, such as feeder livestock, on all agricultural enterprises of the producer; and

“(D) as represented on—

“(i) a schedule F of the Federal income tax returns of the producer; or

“(ii) a comparable tax form related to the agricultural enterprises of the producer, as approved by the Secretary.

“(2) AGRICULTURAL ENTERPRISE.—The term ‘agricultural enterprise’ means the production and marketing of all agricultural commodities (including livestock but excluding tobacco) on a farm or ranch.

“(3) AVERAGE ADJUSTED GROSS REVENUE.—The term ‘average adjusted gross revenue’ means—

“(A) the average of the adjusted gross revenue of a producer for each of the preceding 5 taxable years; or

“(B) in the case of a beginning farmer or rancher or other producer that does not have

adjusted gross revenue for each of the preceding 5 taxable years, the estimated income of the producer that will be earned from all agricultural enterprises for the applicable year, as determined by the Secretary.

“(4) PRODUCER.—The term ‘producer’ means an individual or entity, as determined by the Secretary for an applicable year, that—

“(A) shares in the risk of producing, or provides a material contribution in producing, an agricultural commodity for the applicable year;

“(B) has a substantial beneficial interest in the agricultural enterprise in which the agricultural commodity is produced;

“(C)(i) during each of the preceding 5 taxable years, has filed—

“(I) a schedule F of the Federal income tax returns; or

“(II) a comparable tax form related to the agricultural enterprises of the individual or entity, as approved by the Secretary; or

“(ii) is a beginning farmer or rancher or other producer that does not have adjusted gross revenue for each of the preceding 5 taxable years, as determined by the Secretary; and

“(D)(i) has earned at least \$50,000 in average adjusted gross revenue over the preceding 5 taxable years;

“(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

“(iii) in the case of a beginning farmer or rancher or other producer that does not have average adjusted gross revenue for the preceding 5 taxable years, has at least \$50,000 in estimated income from all agricultural enterprises for the applicable year, as determined by the Secretary.

“(b) ESTABLISHMENT.—For each of fiscal years 2003 through 2006, the Secretary shall establish a pilot program in 10 States (as determined by the Secretary) under which a producer may establish a farm counter-cyclical savings account in the name of the producer in a bank or financial institution selected by the producer and approved by the Secretary.

“(c) CONTENT OF ACCOUNT.—A farm counter-cyclical savings account shall consist of—

“(1) contributions of the producer; and

“(2) matching contributions of the Secretary.

“(d) PRODUCER CONTRIBUTIONS.—A producer may deposit such amounts in the account of the producer as the producer considers appropriate.

“(e) MATCHING CONTRIBUTIONS.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (5), the Secretary shall provide a matching contribution on the amount deposited by the producer into the account.

“(2) AMOUNT.—Subject to paragraph (3), the amount of a matching contribution that the Secretary shall provide under paragraph (1) shall be equal to 2 percent of the average adjusted gross revenue of the producer.

“(3) MAXIMUM CONTRIBUTIONS FOR INDIVIDUAL PRODUCER.—The amount of matching contributions that may be provided by the Secretary for an individual producer under this subsection shall not exceed \$5,000 for any applicable fiscal year.

“(4) MAXIMUM CONTRIBUTIONS FOR ALL PRODUCERS IN A STATE.—The total amount of matching contributions that may be provided by the Secretary for all producers under this program shall not exceed \$70,000,000 for fiscal year 2003, \$100,000,000 for fiscal year 2004, \$140,000,000 for fiscal year 2005, and \$200,000,000 for fiscal year 2006.

“(5) DATE FOR MATCHING CONTRIBUTIONS.—The Secretary shall provide the matching contributions required for a producer under paragraph (1) as of the date that a majority

of the covered commodities grown by the producer are harvested.

“(f) INTEREST.—Funds deposited into the account may earn interest at the commercial rates provided by the bank or financial institution in which the Account is established.

“(g) USE.—Funds credited to the account—
“(1) shall be available for withdrawal by a producer, in accordance with subsection (h); and

“(2) may be used for purposes determined by the producer.

“(h) WITHDRAWAL.—

“(1) IN GENERAL.—Subject to paragraph (2), in any year, a producer may withdraw funds from the account in an amount that is equal to—

“(A) 90 percent of average adjusted gross revenue of the producer for the previous 5 years; minus

“(B) the adjusted gross revenue of the producer in that year.

“(2) RETIREMENT.—A producer that ceases to be actively engaged in farming, as determined by the Secretary—

“(A) may withdraw the full balance from, and close, the account; and

“(B) may not establish another account.

“(i) ADMINISTRATION.—The Secretary shall administer this section through the Farm Service Agency and local, county, and area offices of the Department of Agriculture.”.

SA 2857. Mr. REID (for Mr. CONRAD) 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:

Since both political parties have pledged not to misuse Social Security surplus funds by spending them for other purposes; and

Since under the Administration's fiscal year 2003 budget, the federal government is projected to spend the Social Security surplus for other purposes in each of the next 10 years;

Since permanent extension of the inheritance tax repeal would cost, according to the Administration's estimate, approximately \$104 billion over the next 10 years, all of which would further reduce the Social Security surplus;

Therefore it is the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 12, 2002, at 9:30 a.m., in open session to receive testimony on the Defense authorization request for fiscal year 2003 and the Future Years Defense Program.

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