

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(A) IN GENERAL.—The amendment made by section 123(b) is repealed.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

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 12, 2002, at 10:00 a.m., to conduct a hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies."

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

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President: I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 12, 2002, at 9:30 a.m., on the collapse of Enron in SR-253.

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

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 12 at 10:00 a.m., to conduct a hearing. The purpose of this hearing is to receive testimony on the FY 2003 budget requests for the Department of the Interior, the U.S. Forest Service, and the Department of Energy.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the sessions of the Senate on Tuesday, February 12, 2002 at 2:30 p.m. to hold a hearing entitled, "Theft of American Intellectual Property: Fighting Crime Abroad and at Home".

## Agenda

## Witnesses

Panel 1: The Honorable Alan P. Larson, Under Secretary for Economic, Business, and Agricultural Affairs, Department of State, Washington, DC; the Honorable Peter F. Allgeier, Deputy U.S. Trade Representative, Office of U.S. Trade Representative, Washington, DC; and Mr. John S. Gordon, U.S. attorney, Central District of California, Los Angeles, CA.

Panel 2: Mr. Jeff Raikes, Group Vice President, Productivity and Business Services, Microsoft Corporation, Redmond, Washington; Mr. Jack Valenti, President and CEO, Motion Picture Association of America, Washington, DC; Ms. Hilary Rosen, President and CEO, Recording Industry Association of America, Washington, DC; and Mr. Douglas Lowenstein, president, Interactive Digital Software Association, Washington, DC.

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

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to

meet on Tuesday, February 12, 2002 at 10:15 a.m. (immediately following the first vote of the day) for a business meeting to consider the nominations of: 1) Nancy Dorn to be Deputy Director of the Office of Management and Budget; 2) Dan G. Blair to be Deputy Director of the Office of Personnel Management; and 3) John L. Howard to be Chairman, Special Panel on Appeals.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Early Education: From Science To Practice during the session of the Senate on Tuesday, February 12, 2002. At 9:30 a.m.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on OxyContin: Balancing Risks and Benefits during the session of the Senate on Tuesday, February 12, 2002. At 2:30 p.m.

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

## SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Tuesday, February 12, 2002 at 3:00 p.m. in Dirksen 226.

## Witness List

Panel I: Arthur "Gene" Dewey, Assistant Secretary of State for the Bureau of Population, Refugees, and Migration, Department of State, Washington, DC; and James Ziglar, Commissioner, U.S. Immigration and Naturalization Service, Washington, DC.

Panel II: Lenny Glickman, chairman, Refugee Council USA, New York, NY; Anastasia Brown, assistant director for processing operations, Migration and Refugee Services, U.S. Conference of Catholic Bishops, Washington, DC; and Bill Frelick, Director of Policy, U.S. Committee for Refugees, Washington, DC.

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

## SUBCOMMITTEE ON INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, February 12, 2002, at 9:30 a.m. for a hearing regarding "Multilateral Non-proliferation Regimes, Weapons of Mass Destruction Technologies, and the War on Terrorism."

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

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Jeannie Rhee, a fellow on the staff of Senator DASCHLE, be granted the privilege of the floor during debate on S. 1731.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Justin Buen, who is an intern in my office, be granted the privilege of the floor for the duration of the debate today.

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

## EXECUTIVE SESSION

## NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session and that the HELP Committee be discharged from further consideration of the nomination of William Leidinger, to be Assistant Secretary for Management at the Department of Education; that the nomination be confirmed, the motion to reconsider be laid on the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

## DEPARTMENT OF EDUCATION

William Leidinger, of Virginia, to be Assistant Secretary for Management, Department of Education.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## COMMENDING PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 96 submitted earlier today by Senators BROWNBACK and WELLSTONE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 96) commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements thereon be printed in the RECORD with no intervening action or debate.

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