

SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2863. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2864. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2865. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2866. Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2867. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2868. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2869. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2870. Mr. WYDEN (for himself, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2871. Mr. SCHUMER proposed an amendment to the bill S. 565, supra.

SA 2872. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2873. Mr. SCHUMER proposed an amendment to the bill S. 565, supra.

SA 2874. Mr. DODD (for Ms. CANTWELL for himself, Mrs. MURRAY, and Mr. DODD) proposed an amendment to the bill S. 565, supra.

SA 2875. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2876. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2877. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2858.** Mr. ALLARD (for himself, Mr. SMITH of New Hampshire, Mr. GRAMM, Mr. ALLEN, Mr. ROBERTS, Mr. COCHRAN, Ms. COLLINS, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD of the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice

shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 2 and 3, insert the following:

#### TITLE IV—UNIFORMED SERVICES ELECTION REFORM

##### SEC. 401. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended—

(1) by striking “Each State” and inserting “(a) IN GENERAL.—Each State”; and

(2) by adding at the end the following:

“(b) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

“(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

“(A) solely on the grounds that the ballot lacked—

“(i) a notarized witness signature;

“(ii) an address (other than on a Federal write-in absentee ballot, commonly known as ‘SF186’);

“(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

“(iv) an overseas postmark; or

“(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

“(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

##### SEC. 402. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 401(a) of this Act and section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended—

(1) in paragraph (3), by striking “and” after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(5) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

“(6) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

“(A) has registered to vote under this section; and

“(B) is eligible to vote in that election under State law.”.

(b) DEFINITIONS.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) The term ‘recently separated uniformed services voter’ means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

“(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

“(B) is no longer such a voter; and

“(C) is otherwise qualified to vote in that election.”;

(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

“(10) The term ‘uniformed services voter’ means—

“(A) a member of a uniformed service in active service;

“(B) a member of the merchant marine; and

“(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

##### SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

“(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

##### SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.

Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the “Secretary”), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) enough copies of the Federal military voting laws (as identified by the Secretary) so that the State is able to distribute a copy of such laws to each jurisdiction of the State.

**SA 2859.** Mr. HARKIN (for himself and Mr. LUGAR) 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 12, line 22, strike "mohair."

On page 34, after line 19, add the following:

**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 2005, the Secretary shall establish a pilot program in 3 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 in a State under this subsection shall not exceed \$4,000,000 for each of fiscal years 2003 through 2005.

"(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."

On page 37, strike lines 1 through 12 and insert the following:

"(12) in the case of nongraded wool (including unshorn pelts), \$.40 per pound;

"(13) in the case of honey, \$.60 per pound;

"(14) in the case of dry peas, \$6.78 per hundredweight;

"(15) in the case of lentils, \$12.79 per hundredweight;

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

"(17) in the case of small chickpeas, \$8.10 per hundredweight.

On page 40, line 8, strike the closing quotation marks and the following period.

On page 40, after line 8, insert the following:

"(3) 2001 CROP.—Notwithstanding paragraphs (1) and (2), effective for the 2001 crop only, if a producer eligible for a payment under this section loses beneficial interest in the covered commodity, the producer shall be eligible for the payment determined as of the date the producer lost beneficial interest in the covered commodity, as determined by the Secretary."

**SEC. 1. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.**

(a) IN GENERAL.—Subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.) is amended by adding at the end the following:

**"SEC. 138. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.**

"(a) IN GENERAL.—For each crop of wheat, grain sorghum, barley, and oats, in the case of the producers on a farm that would be eligible for a loan deficiency payment under section 135 for wheat, grain sorghum, barley, or oats, but that elects to use acreage planted to the wheat, grain sorghum, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producers on the farm under this section if the producers on the farm enter into an agreement with the Secretary to forgo any other harvesting of the wheat, grain sorghum, barley, or oats on the acreage.

"(b) PAYMENT AMOUNT.—The amount of a payment made to the producers on a farm under this section shall be equal to the amount obtained by multiplying—

"(1) the loan deficiency payment rate determined under section 135(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

"(2) the payment quantity obtained by multiplying—

"(A) the quantity of the grazed acreage on the farm with respect to which the producers on the farm elect to forgo harvesting of wheat, grain sorghum, barley, or oats; and

"(B) the payment yield for that contract commodity on the farm.

"(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

"(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 135.

"(2) AVAILABILITY.—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, grain sorghum, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.

“(d) PROHIBITION ON CROP INSURANCE OR NONINSURED CROP ASSISTANCE.—The producers on a farm shall not be eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 with respect to a crop of wheat, grain sorghum, barley, or oats planted on acreage that the producers on the farm elect, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop.”

On page 53, strike lines 5 through 8 and insert the following:

(b) DEFINITION OF FLUID MILK PROCESSOR.—Section 1999C(4) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(4)) is amended by striking “500,000 pounds of fluid milk products in consumer-type packages per month” and inserting “3,000,000 pounds of fluid milk products in consumer-type packages per month (excluding products delivered directly to the place of residence of a consumer)”.

On page 59, line 2, strike “Promotion” and insert “Production”.

On page 70, strike lines 4 through 9 and insert the following:

(h) SUBSTITUTABILITY OF SUGAR.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

“(i) SUBSTITUTION OF REFINED SUGAR.—For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Foreign Agricultural Service of the Department of Agriculture, all refined sugars (whether derived from sugar beets or sugar-cane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar under those programs.”

(i) CROPS.—Subsection (j) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) (as redesignated by subsection (h)(1)) is amended—

(1) by striking “(other than subsection (f))”; and

(2) by striking “2002” and inserting “2006”.

On page 70, line 10, strike “(i)” and insert “(j)”.

On page 75, line 16, strike “7251” and insert “7272”.

On page 81, line 22, strike “7251” and insert “7272”.

On page 86, strike lines 8 through 11 and insert the following:

“(III) LIMITATIONS.—The allotment for a new processor under this clause shall not exceed—

“(aa) in the case of the first fiscal year of operation of a new processor, 50,000 short tons (raw value); and

“(bb) in the case of each subsequent fiscal year of operation of the new processor, a quantity established by the Secretary in accordance with this clause and the criteria described in clause (ii) or (iii), as applicable.

“(IV) NEW ENTRANT STATES.—

“(aa) IN GENERAL.—Notwithstanding subparagraphs (A) and (C) of section 359c(e)(3), to accommodate an allocation under subsection (I) to a new processor located in a new entrant mainland State, the Secretary shall provide the new entrant mainland State with an allotment.

“(bb) EFFECT ON OTHER ALLOTMENTS.—The allotment to any new entrant mainland State shall be subtracted, on a pro rata basis, from the allotments otherwise allotted to each mainland State under section 359c(e)(3).

“(V) ADVERSE EFFECTS.—Before providing an initial processor allocation or State allot-

ment to a new entrant processor or a new entrant State under this clause, the Secretary shall take into consideration any adverse effects that the provision of the allocation or allotment may have on existing cane processors and producers in mainland States.

“(VI) ABILITY TO MARKET.—Consistent with section 359c and this section, any processor allocation or State allotment made to a new entrant processor or to a new entrant State under this clause shall be provided only after the applicant processor, or the applicable processors in the State, have demonstrated the ability to process, produce, and market (including the transfer or delivery of the raw cane sugar to a refinery for further processing or marketing) raw cane sugar for the crop year for which the allotment is applicable.

“(VII) PROHIBITION.—Not more than 1 processor allocation provided under this clause may be applicable to any individual sugar processing facility.

On page 86, line 20, strike “or successor in interest,” and insert “successor in interest, or any remaining processor of an affiliated entity.”

On page 93, strike lines 3 through 7 and insert the following:

(2) Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (as amended by subsection (a)) is amended by inserting before section 359b (7 U.S.C. 1359bb) the following:

**“SEC. 359a. DEFINITIONS.**

On page 94, strike lines 6 through 8 and insert the following:

(4) Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended—

(A) in subsection (b), by striking “sections 359a through 359i” and inserting “this part”; and

(B) by striking subsection (c).

On page 96, line 22, strike “If,” and insert “Except as provided in subparagraph (C), if.”

On page 97, between lines 10 and 11, insert the following:

“(C) SELECTION BY PRODUCER.—If a county in which a historical peanut producer described in subparagraph (A) is located is declared a disaster area during 1 or more of the 4 crop years described in subparagraph (A), for the purposes of determining the 4-year average yield for the historical peanut producer, the historical peanut producer may elect to substitute, for not more than 1 of the crop years during which a disaster is declared—

“(i) the State 4-year average yield of peanuts produced in the State; or

“(ii) the average yield for the historical peanut producer determined by the Secretary under subparagraph (A).

On page 97, lines 11 and 12, strike “Except as provided in paragraph (3), the” and insert “The”.

Beginning on page 97, strike line 24 and all that follows through page 98, line 12.

Beginning on page 99, strike line 3 and all that follows through page 100, line 2, and insert the following:

“(b) ASSIGNMENT OF YIELD AND ACRES TO FARMS.—

“(1) ASSIGNMENT BY HISTORICAL PEANUT PRODUCERS.—For the first crop year that begins after the date of enactment of this section, the Secretary shall provide each historical peanut producer in a State that produced a contract commodity, or another agricultural commodity for which a production adjustment program is carried out under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.), or was prevented from planting a contract commodity, or another such agricultural commodity, during the 2001 crop

year with an opportunity to assign the average peanut yield and average acreage determined under subsection (a) for the historical peanut producer to cropland on a farm in the State.

“(2) ASSIGNMENT TO CROPLAND.—In the case of a historical peanut producer on a farm that did not produce a contract commodity, or another such agricultural commodity, and was not prevented from planting a contract commodity or another such agricultural commodity during the 2001 crop year, the average peanut yield and average acreage determined under subsection (a) shall be assigned to the cropland on the farm.

“(3) PAYMENT YIELD.—The average of all of the yields assigned by historical peanut producers to a farm shall be considered to be the payment yield for the farm for the purpose of making direct payments and counter-cyclical payments under this chapter.

“(4) PEANUT ACRES.—Subject to subsection (e), the total number of acres assigned by historical peanut producers to a farm shall be considered to be the peanut acres for the farm for the purpose of making direct payments and counter-cyclical payments under this chapter.

“(c) ELECTION.—In the case of the first crop year that begins after the date of enactment of this subsection, a historical peanut producer shall notify the Secretary of the assignments described in subsection (b)(1) not later than 180 days after the date of enactment of this section.

Beginning on page 103, line 24, through page 104, line 1, strike “12-month marketing year” and insert “marketing season”.

On page 104, lines 5 and 6, strike “12-month marketing year” and insert “marketing season”.

On page 105, lines 16 and 17, strike “6 months of the marketing year” and insert “2 months of the marketing year”.

On page 122, between lines 10 and 11, insert the following:

**SEC. 1. MARKETING ORDERS FOR CANEBERRIES.**

(a) IN GENERAL.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subsection (2)(A), by inserting “caneberries (including raspberries, blackberries, and loganberries),” after “other than pears, olives, grapefruit, cherries;” and

(2) in subsection (6)(I), by striking “tomatoes,” and inserting “tomatoes, caneberries (including raspberries, blackberries, and loganberries).”

(b) CONFORMING AMENDMENT.—Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by striking “or apples” and inserting “apples, or caneberries (including raspberries, blackberries, and loganberries).”

**SEC. 1. RESERVE STOCK LEVEL.**

Section 301(b)(14)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)(14)(C)) is amended—

(1) in clause (i), by striking “100,000,000” and inserting “75,000,000”; and

(2) in clause (ii), by striking “15 percent” and inserting “10 percent”.

**SEC. 1. FARM RECONSTITUTIONS.**

(a) IN GENERAL.—Section 316(a)(1)(A)(ii) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(a)(1)(A)(ii)) is amended by adding at the end the following: “Notwithstanding any other provision of law, for the 2002 crop only, the Secretary shall allow special farm reconstitutions, in lieu of lease and transfer of allotments and quotas, under this section, in accordance with such conditions as are established by the Secretary.”

## (b) STUDY.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study on the effects on the limitation on producers to move quota to a farm other than the farm to which the quota was initially assigned under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.).

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study.

On page 123, line 2, strike the closing quotation marks and the following period.

On page 123, between lines 2 and 3, insert the following:

“(f) EXPENDITURE LIMITATION.—If the Secretary makes a determination under subsection (e) that expenditures will exceed allowable levels for any applicable reporting period and notifies Congress of the Secretary’s intent to make adjustments to ensure that expenditures do not exceed allowable levels, no expenditures under any program proposed to be adjusted by the Secretary may be made after the date that is 18 months after the date of the determination, unless a joint resolution disapproving the adjustments is enacted by both Houses of Congress within 60 days of the date of the notification.

“(g) ANNUAL REPORT ON DOMESTIC SUPPORT.—Not later than April 30 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

“(1) estimated levels of domestic support for agricultural commodities during the current marketing year and the following marketing year;

“(2) the manner in which the Secretary intends to notify the World Trade Organization of the estimated levels; and

“(3) proposed changes to domestic support programs subject to reduction commitments made in the context of WTO trade negotiations.”.

On page 123, line 15, insert “(a) IN GENERAL.—” before “Section”.

On page 125, between lines 4 and 5, insert the following:

(b) SENSE OF THE SENATE CONCERNING PURCHASES OF CRANBERRIES.—

(1) FINDINGS.—Congress finds that—

(A) the price per hundred pounds of cranberries has dropped from approximately \$70 to approximately \$10;

(B) the cost of producing cranberries is between \$30 and \$35 per hundred pounds, which is much more than the price per hundred pounds of cranberries for each of the past 2 years;

(C) there is a serious economic crisis among cranberry growers in the United States, especially in the States of Wisconsin, Massachusetts, and New Jersey;

(D) the Cranberry Marketing Committee has issued 2 marketing orders, but the marketing orders have not led to higher prices;

(E) although Congress directed the Secretary of Agriculture to use \$30,000,000 to purchase cranberries in fiscal year 2001, the price of cranberries has not risen significantly; and

(F) the cranberry industry faces a surplus of cranberries and continuing low prices for cranberries.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Agriculture should attempt to alleviate the economic crisis among cranberry growers by continuing to expend for each fiscal year for the purchase of cranberries the same amount as the Secretary expended for fiscal year 2001.

In Amendment No. 2826 (END02.085), on page 28, line 22, strike “404” and insert “741”.

On page 128, between lines 8 and 9, insert the following:

**SEC. 1 . . . REPORTS ON EQUITABLE RELIEF AND MISACTION-MISINFORMATION REQUESTS.**

Section 195 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 946) is amended to read as follows:

**“SEC. 195. REPORTS ON EQUITABLE RELIEF AND MISACTION-MISINFORMATION REQUESTS.**

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2002 and not later than December 1 of fiscal year 2003 and each subsequent fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

“(1) the number of requests received by the Secretary during the preceding fiscal year for equitable relief under programs carried out by the Farm Service Agency and the Natural Resources Conservation Service, including a description (by program) of—

“(A) the number of requests received;

“(B) the number of requests approved by the Secretary; and

“(C) the basis for the approval or denial of the requests; and

“(2) the number of requests received by the Secretary during the preceding fiscal year for relief described in section 326 of the Food and Agriculture Act of 1962 (7 U.S.C. 1339a) with respect to programs carried out under this title, including a description (by program) of—

“(A) the number of requests received;

“(B) the number of requests approved by the Secretary; and

“(C) the basis for the approval or denial of the requests.

“(b) APPEALS.—The Secretary, acting through the Director of the National Appeals Division, shall include in each report submitted under subsection (a) a description of actions taken by the Division taken during the preceding fiscal year with respect to requests for relief described in subsection (a).”.

**SEC. 1 . . . ESTIMATES OF NET FARM INCOME.**

Title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7201 et seq.) is amended by adding at the end the following:

**“SEC. 197. ESTIMATES OF NET FARM INCOME.**

“In each issuance of projections of net farm income, the Secretary shall include (as determined by the Secretary)—

“(1) an estimate of the net farm income earned by commercial producers in the United States; and

“(2) an estimate of the net farm income attributable to commercial producers of each of—

“(A) livestock;

“(B) loan commodities; and

“(C) agricultural commodities other than loan commodities.”.

**SEC. 1 . . . COMMODITY CREDIT CORPORATION INVENTORY.**

Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended in the last sentence by inserting before the period at the end the following: “(including, at the option of the Corporation, the use of private sector entities)”.

**SEC. 1 . . . AGRICULTURAL PRODUCERS SUPPLEMENTAL PAYMENTS AND ASSISTANCE.**

(a) IN GENERAL.—The Secretary of Agriculture may use such funds of the Commodity Credit Corporation as are necessary

to provide payments and assistance under Public Law 107-25 (115 Stat. 201) to persons that (as determined by the Secretary)—

(1) are eligible to receive the payments or assistance; but

(2) did not receive the payments or assistance prior to October 1, 2001.

(b) LIMITATION.—The amount of payments or assistance provided under Public Law 107-25 and this section to an eligible person described in subsection (a) shall not exceed the amount of payments or assistance the person would have been eligible to receive under Public Law 107-25.

**Subtitle E—Payment Limitation Commission**

**SEC. 1 . . . ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established a commission to be known as the “Commission on the Application of Payment Limitations for Agriculture” (referred to in this subtitle as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of 11 members appointed as follows:

(i) 3 members shall be appointed by the President, of whom 2 shall be from land grant colleges or universities and have expertise in agricultural economics.

(ii) 1 member shall be appointed by the Majority Leader of the Senate.

(iii) 1 member shall be appointed by the Minority Leader of the Senate.

(iv) 1 member shall be appointed by the Speaker of the House of Representatives.

(v) 1 member shall be appointed by the Minority Leader of the House of Representatives.

(vi) 1 member shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(vii) 1 member shall be appointed by the ranking minority member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(viii) 1 member shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives.

(ix) 1 member shall be appointed by the ranking minority member of the Committee on Agriculture of the House of Representatives.

(B) DIVERSITY OF VIEWS.—The appointing authorities under subparagraph (A) shall seek to ensure that the membership of the Commission has a diversity of experiences and expertise on the issues to be studied by the Commission, such as agricultural production, agricultural lending, farmland appraisal, agricultural accounting and finance, and other relevant areas.

(2) FEDERAL GOVERNMENT EMPLOYMENT.—The membership of the Commission may include 1 or more employees of the Department of Agriculture or other Federal agencies.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet—

(1) on a regular basis, as determined by the Chairperson; and

(2) at the call of the Chairperson or a majority of the members of the Commission.

(f) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

(g) **CHAIRPERSON.**—The Secretary shall appoint 1 of the members of the Commission to serve as Chairperson of the Commission.

#### SEC. 1 2. DUTIES.

(a) **COMPREHENSIVE REVIEW.**—The Commission shall conduct a comprehensive review of—

(1) the laws (including regulations) that apply or fail to apply payment limitations to agricultural commodity and conservation programs administered by the Secretary;

(2) the impact that failing to apply effective payment limitations has on—

(A) the agricultural producers that participate in the programs;

(B) overproduction of agricultural commodities;

(C) the prices that agricultural producers receive for agricultural commodities in the marketplace; and

(D) land prices and rental rates;

(3) the feasibility of improving the application and effectiveness of payment limitation requirements, including the use of commodity certificates and the forfeiture of loan collateral; and

(4) alternatives to payment limitation requirements in effect on the date of enactment of this Act that would apply meaningful limitations to improve the effectiveness and integrity of the requirements.

(b) **RECOMMENDATIONS.**—In carrying out the review under subsection (a), the Commission shall develop specific recommendations for modifications to applicable legislation and regulations that would improve payment limitation requirements.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the review conducted, and any recommendations developed, under this section.

#### SEC. 1 3. POWERS.

(a) **HEARINGS.**—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this subtitle.

(2) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) **ASSISTANCE FROM SECRETARY.**—The Secretary may provide to the Commission appropriate office space and such reasonable administrative and support services as the Commission may request.

#### SEC. 1 4. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—

(1) **NON-FEDERAL EMPLOYEES.**—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel

time) during which the member is engaged in the performance of the duties of the Commission.

(2) **FEDERAL EMPLOYEES.**—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

#### SEC. 1 5. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission or any proceeding of the Commission.

#### SEC. 1 6. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$100,000 to carry out this subtitle.

#### SEC. 1 7. TERMINATION OF COMMISSION.

The Commission shall terminate on the day after the date on which the Commission submits the report of the Commission under section 1 2(c).

On page 129, line 14, strike “an producer” and insert “a producer”.

Beginning on page 130, strike line 22 and all that follows through page 131, line 2.

On page 131, line 3, strike “(9)” and insert “(8)”.

On page 131, line 7, strike “(10)” and insert “(9)”.

On page 131, line 20, strike “(11)” and insert “(10)”.

On page 132, line 10, strike “(12)” and insert “(11)”.

On page 132, line 13, strike “(13)” and insert “(12)”.

On page 133, line 4, strike “(14)” and insert “(13)”.

On page 133, line 12, strike “(15)” and insert “(14)”.

On page 133, line 20, strike “(16)” and insert “(15)”.

On page 133, line 23, strike “(17)” and insert “(16)”.

On page 134, line 3, strike “(18)” and insert “(17)”.

On page 134, line 7, strike “(19)” and insert “(18)”.

On page 134, line 11, strike “(20)” and insert “(19)”.

On page 134, line 15, strike “(21)” and insert “(20)”.

On page 134, line 19, strike “(22)” and insert “(21)”.

On page 138, line 13, strike “to eligible” and insert “to all eligible”.

On page 140, line 24, insert “or update existing technologies and practices” before the period.

On page 141, line 1, strike “STATE AND LOCAL” and insert “STATE, TRIBAL, AND LOCAL”.

On page 141, lines 7 and 8, strike “State and” and insert “State or Indian tribe and”.

On page 141, line 11, insert “, Indian tribe,” after “State”.

On page 141, strike lines 13 through 18 and insert the following:

“(i)(I) determined by the State conservationist, in consultation with the State technical committee established under subtitle G and the local subcommittee of the State technical committee; and

“(II) approved by the Secretary; and

“(ii) in the case of land under the jurisdiction of an Indian tribe—

“(I) determined by the Indian tribe, after consultation with the Secretary; and

“(II) approved by the Secretary.

On page 142, line 5, strike “at least” and include “in addition to (c)(1)(c)”.

On page 148, line 11, insert “management of” before “conservation”.

On page 151, line 9, insert “for the entire agricultural operation” before the semicolon.

On page 151, line 11, insert “management of” before “conservation”.

On page 152, line 1, insert “AND REQUIREMENTS” after “PRACTICES”.

On page 152, line 2, insert “and requirements” after “practices”.

On page 153, line 8, insert “as described in subsection (b)(2)(B)” before the period.

On page 154, line 2, insert “management of” before “conservation”.

On page 155, strike lines 15 through 20 and insert the following:

“(A)(i) determined by the State conservationist, in consultation with the State technical committee established under subtitle G and the local subcommittee of the State technical committee; and

“(ii) approved by the Secretary; and

“(B) in the case of land under the jurisdiction of an Indian tribe—

“(i) determined by the Indian tribe, after consultation with the Secretary; and

“(ii) approved by the Secretary.

On page 160, line 7, strike “the” and insert “applicable”.

On page 166, line 9, strike “purposes” and insert “objectives”.

On page 166, line 15, insert “local” before “conservation”.

On page 176, strike lines 8 through 14 and insert the following:

“(h) CONSERVATION SECURITY STATE PROGRAM.—

“(1) **IN GENERAL.**—Effective October 1, 2004, the Secretary, in cooperation with appropriate State agencies, may permit 1 State to jointly implement a conservation security program with the Secretary.

On page 177, line 13, insert “, education and outreach, and monitoring and evaluation” after “assistance”.

On page 177, line 21, insert after “subtitle to” the following: “enter into agreements with State and local agencies, Indian tribes, and nongovernmental and to”.

On page 178, line 6, insert “or tribal” after “State”.

On page 178, line 9, insert “or tribal” after “State”.

On page 178, line 11, strike “or”.

On page 178, between lines 13 and 14, insert the following:

“(iv) other Federal, State, tribal, or local laws; or

On page 178, line 18, strike “or multi-State” and insert “, multistate, or tribal”.

On page 181, strike lines 9 through 11 and insert the following:

“(4) **PURPOSES OF SPECIAL PROJECTS.**—The purposes of special projects carried out under this section shall be to encourage—

Beginning on page 186, strike line 22 and all that follows through page 190, line 24, and insert the following:

“(f) **TECHNICAL ASSISTANCE.**—

“(1) **IN GENERAL.**—Under any conservation program administered by the Secretary, subject to paragraph (2), technical assistance provided by persons certified under paragraph (3) (including farmers and ranchers) may include—

“(A) conservation planning;

“(B) design, installation, and certification of conservation practices;

“(C) conservation training for producers; and

“(D) such other conservation activities as the Secretary determines to be appropriate.

## “(2) OUTSIDE ASSISTANCE.—

“(A) IN GENERAL.—The Secretary may contract directly with qualified persons not employed by the Department to provide conservation technical assistance.

“(B) PAYMENT BY SECRETARY.—Subject to subparagraph (C), the Secretary may provide a payment to an owner, operator, or producer enrolled in a conservation program administered by the Secretary if the owner, operator, or producer elects to obtain technical assistance from a person certified to provide technical assistance under this subsection.

“(C) NONPRIVATE PROVIDERS.—In determining whether to provide a payment under subparagraph (B) to a nonprivate provider, the Secretary shall provide a payment if the provision of the payment would result in an increase in the total amount of technical assistance available to producers, as determined by the Secretary.

## “(3) CERTIFICATION OF PROVIDERS OF TECHNICAL ASSISTANCE.—

## “(A) PROCEDURES.—

“(i) IN GENERAL.—The Secretary shall establish procedures for certifying persons not employed by the Department to provide technical assistance in planning, designing, or certifying activities to participate in any conservation program administered by the Secretary to agricultural producers and landowners participating, or seeking to participate, in conservation programs administered by the Secretary.

“(ii) NON-FEDERAL ASSISTANCE.—The Secretary may request the services of, and enter into a cooperative agreement with, a State water quality agency, State fish and wildlife agency, State forestry agency, State conservation agency or conservation district, or any other governmental or nongovernmental organization or person considered appropriate by the Secretary to assist in providing the technical assistance necessary to develop and implement conservation plans under this title.

“(B) EQUIVALENCE.—The Secretary shall ensure that new certification programs of the Department for providers of technical assistance meet or exceed the testing and continuing education standards of any certification program that establishes nationally recognized and accepted standards for training, testing, and other professional qualifications.

“(C) STANDARDS.—The Secretary shall establish standards for the conduct of—

“(i) the certification process conducted by the Secretary; and

“(ii) periodic recertification by the Secretary of providers.

## “(D) CERTIFICATION REQUIRED.—

“(i) IN GENERAL.—A provider may not provide to any producer technical assistance described in paragraph (3)(A)(i) unless the provider is certified by the Secretary.

“(ii) WAIVER.—The Secretary may exempt a provider from any requirement of this subparagraph if the Secretary determines that the provider has been certified or recertified to provide technical assistance through a program the standards of which meet or exceed standards established by the Secretary under subparagraph (C).

## “(E) FEE.—

“(i) IN GENERAL.—In exchange for certification or recertification, a provider shall pay a fee to the Secretary in an amount determined by the Secretary.

“(ii) ACCOUNT.—A fee paid to the Secretary under clause (i) shall be—

“(I) credited to the account in the Treasury that incurs costs relating to implementing this subsection; and

“(II) made available to the Secretary for use for conservation programs administered by the Secretary, without further appropriation, until expended.

“(iii) WAIVER.—The Secretary may waive any requirement of any provider to pay a fee under this subparagraph if the provider qualifies for a waiver under subparagraph (D)(ii).

## “(F) TECHNICAL ASSISTANCE ADVISORY COUNCIL.—

“(i) PURPOSE.—The Secretary shall establish a technical assistance advisory council (referred to in this subparagraph as the ‘advisory council’) to advise the Secretary with respect to the management of certification programs for the provision of technical assistance for third party providers.

“(ii) MEMBERSHIP.—The membership of the advisory council shall include—

“(I) representatives of the Federal Government and appropriate State and local governments; and

“(II) not more than 20 additional members that represent 2 or more of the following:

“(aa) Agricultural producers.

“(bb) Agricultural industries.

“(cc) Wildlife and environmental entities.

“(dd) A minimum of 6 professional societies and organizations.

“(ee) Such other entities (the representation of which on the advisory council shall not exceed 4 members) as the Secretary determines would contribute to the work of the advisory council.

“(iii) RESPONSIBILITIES.—The advisory council shall advise the Secretary with respect to—

“(I) appropriate standards for certification;

“(II) the status of third party certification programs;

“(III) cases in which waivers for certification, recertification and payment of fees should be allowed;

“(IV) periodic reviews of certification program; and

“(V) guidelines for penalties and disciplinary actions for violation of certification requirements.

## “(iv) MEETINGS.—

“(I) INITIAL MEETING.—Not later than 30 days after the date on which all members of the advisory council have been appointed, the advisory council shall hold the initial meeting of advisory council.

“(II) SUBSEQUENT MEETINGS.—The Secretary shall require the advisory council to meet as needed.

“(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph such sums as are necessary for each of fiscal years 2002 through 2006.

“(4) EFFECT ON IMPLEMENTATION.—Nothing in this subsection shall prohibit or impede the expeditious implementation of the provision of third-party technical assistance under this title.

“(5) OTHER REQUIREMENTS.—The Secretary may establish such other requirements as the Secretary determines are necessary to carry out this subsection.

On page 191, strike lines 19 through 21 and insert the following:

“(i) provided to the Secretary or a contractor of the Secretary (including information provided under subtitle D) for the purpose of providing

On page 192, line 3, insert “(within the meaning of section 552(b)(4) of title 5, United States Code)” after “proprietary”.

On page 192, lines 7 and 8, strike “compiled by the Secretary, such as a list of” and insert “regarding”.

On page 193, strike lines 1 through 5 and insert the following:

and producers, and to maintain the integrity of each unit at which primary sampling for data gathering is carried out by the National Resources Inventory (referred to in this subsection as a ‘data gathering site’), the spe-

cific geographic locations of data gathering sites, and the information generated by the data gathering sites—

On page 194, strike lines 3 and 4 and insert the following:

collecting information from data gathering sites.

On page 194, line 14, strike “National Resources Inventory”.

On page 194, lines 20 and 21, strike “that does not allow the identification of” and insert “without naming”.

On page 195, between lines 19 and 20, insert the following:

“(5) DATA COLLECTION, DISCLOSURE, AND REVIEW.—Nothing in this subsection—

“(A) affects any procedure for data collection or disclosure through the National Resources Inventory; or

“(B) limits the authority of Congress or the General Accounting Office to review information collected or disclosed under this subsection.

On page 197, line 5, strike “and” at the end.

On page 197, line 13, strike the period at the end and insert “; and”.

On page 197, between lines 13 and 14, insert the following:

(4) improving the regional distribution of program funds and resources to ensure, to the maximum extent practicable, that—

(A) the highest conservation priorities of the United States receive funding; and

(B) regional variations in conservation costs are taken into account.

Beginning on page 205, strike line 12 and all that follows through page 206, line 16, and insert the following:

(d) DURATION OF CONTRACTS; HARDWOOD TREES.—Section 1231(e) of the Food Security Act of 1985 (16 U.S.C. 3831(e)) is amended—

(1) in paragraph (1), by striking “For the purpose: and inserting “Except as provided in paragraph (2)(D), for the purpose”;

(2) in paragraph (2)—

(A) by striking “In the” and inserting the following:

“(A) IN GENERAL.—In the”;

(B) by striking “The Secretary” and inserting the following:

“(B) EXISTING HARDWOOD TREE CONTRACTS.—The Secretary”; and

(C) by adding at the end the following:

“(C) EXTENSION OF HARDWOOD TREE CONTRACTS.—

“(i) IN GENERAL.—In the case of land devoted to hardwood trees under a contract entered into under this subchapter before the date of enactment of this subparagraph, the Secretary may extend the contract for a term of not more than 15 years.

“(ii) RENTAL PAYMENTS.—The amount of a rental payment for a contract extended under clause (i)—

“(I) shall be determined by the Secretary; but

“(II) shall not exceed 50 percent of the rental payment that was applicable to the contract before the contract was extended.

“(D) NEW HARDWOOD TREE CONTRACTS.—

“(i) IN GENERAL.—The Secretary may enter into contracts of not less than 10, nor more than 30, years with owners of land intended to be devoted to hardwood trees after the date of enactment of this paragraph.

“(ii) PAYMENTS.—The Secretary shall make payments under a contract described in clause (i)—

“(I) on an annual basis; and

“(II) at such an appropriate rate and in such appropriate amounts as the Secretary shall determine in accordance with subparagraph (C)(ii).

“(E) HARDWOOD PLANNING GOAL.—The Secretary shall take such steps as the Secretary determines are necessary to ensure, to the

maximum extent practicable, that all hardwood tree sites annually enrolled in the conservation reserve program are reforested with appropriate species.”; and

(3) by adding at the end the following:

“(3) 1-YEAR EXTENSION.—In the case of a contract described in paragraph (1) the term of which expires during calendar year 2002, an owner or operator of land enrolled under the contract may extend the contract for 1 additional year.”.

On page 213, strike line 10 and insert the following:

(1) STUDY ON ECONOMIC EFFECTS.—

(1) IN GENERAL.—Not later than

On page 213, line 15, insert “and social” after “economic”.

On page 213, between lines 19 and 20, insert the following:

(2) COMPONENTS.—The study under paragraph (1) shall include analyses of—

(A) the impact that enrollments in the conservation reserve program described in that paragraph have on rural businesses, civic organizations, and community services (such as schools, public safety, and infrastructure), particularly in communities with a large percentage of whole farm enrollments;

(B) the effect that those enrollments have on rural population and beginning farmers (including a description of any connection between the rate of enrollment and the incidence of absentee ownership); and

(C)(i) the manner in which differential per acre payment rates potentially impact the types of land (by productivity) enrolled;

(ii) changes to the per acre payment rates that may affect that impact; and

(iii) the manner in which differential per acre payment rates could facilitate retention of productive agricultural land in agriculture.

On page 214, line 15, insert “tribal,” after “State.”.

On page 214, line 22, insert “tribal,” after “State.”.

On page 217, line 23, insert “or improved” after “new”.

On page 218, line 1, insert “or facilitates” after “complements”.

On page 220, lines 24 and 25, strike “facility,” and insert “facility (including a methane recovery system).”.

On page 222, line 9, insert “tribal,” after “State.”.

On page 230, line 17, strike “(a) IN GENERAL.—”.

On page 231, line 1, insert “tribal,” after “State.”.

On page 231, line 7, insert “prevention and control” after “soil erosion”.

On page 231, line 14, strike “State” and insert “State, tribal.”.

On page 234, between lines 6 and 7, insert the following:

“(c) AVOIDANCE OF RESOURCE DEGRADATION.—In carrying out the program, the Secretary shall avoid, to the maximum practicable, any practices that would have a significant adverse effect on ecologically sensitive areas (including wetland), as determined by the Secretary.

On page 234, line 21, insert “tribal,” after “State.”.

On page 236, strike lines 6 through 10 and insert the following:

“(D) reducing negative effects on watersheds, including through the significant reduction in nutrient applications, as determined by the Secretary; and

On page 238, strike lines 17 and 18 and insert the following:

“(C) other educational institutions;

“(D) State cooperative extension services; and

“(E) private organizations.

On page 238, line 21, strike “1241(b)(1)” and insert “1241(b)”.

Beginning on page 240, strike line 5 and all that follows through page 241, line 11, and insert the following:

“(b) NUTRIENT REDUCTION PILOT PROGRAM.—

“(1) DEFINITION OF CHESAPEAKE EXECUTIVE COUNCIL.—In this subsection, the term ‘Chesapeake Executive Council’ means the Federal-State council—

“(A) comprised of—

“(i) the mayor of the District of Columbia;

“(ii) the Governors of the States of Maryland, Pennsylvania, and Virginia;

“(iii) the Administrator of the Environmental Protection Agency; and

“(iv) the Chair of the Chesapeake Bay Commission; and

“(B) charged with the policy leadership, coordination, and implementation of the region-wide Chesapeake Bay Program restoration effort.

“(2) PROGRAM.—For each of fiscal years 2003 through 2006, the Secretary shall use funds made available to carry out the program, in the amounts specified in paragraph (5), in the Chesapeake Bay watershed to provide incentive payments to producers to—

“(A) reduce nutrient loads to the Chesapeake Bay; and

“(B) achieve the goals of the Chesapeake Executive Council.

“(3) PRIORITY; MEASUREMENT; PAYMENTS.—In carrying out paragraph (2), the Secretary shall—

“(A) give priority to nutrient reduction techniques that reduce nutrient applications rates to a level that is substantially below the level recommended in a best management practice (as identified by the Secretary);

“(B) measure any reduction in nutrient application rates by an appropriate indicator of actual performance (such as the level of nutrients applied or fixed in excess of crop removal); and

“(C) increase the amount of an incentive payment to a producer to reflect superior performance by the producer.

“(4) PARTNERSHIPS.—The Secretary shall carry out this subsection in partnership with—

“(A) State governments;

“(B) nonprofit organizations approved by the Secretary; and

“(C) State colleges and universities.

“(5) FUNDING.—

“(A) IN GENERAL.—Of the amounts made available under section 1241(b) to carry out the program, the Secretary shall use to carry out this subsection—

“(i) \$10,000,000 for fiscal year 2003;

“(ii) \$15,000,000 for fiscal year 2004;

“(iii) \$20,000,000 for fiscal year 2005;

“(iv) \$25,000,000 for fiscal year 2006; and

“(v) \$0 for fiscal year 2007.

“(B) UNEXPENDED FUNDS.—Any funds made available for a fiscal year under subparagraph (A) that are not obligated by April 1 of the fiscal year shall be used to carry out other activities under this chapter.

On page 243, line 15, strike “\$850,00,000” and insert “\$850,000,000”.

On page 259, strike lines 6 through 9 and insert the following:

a resource conservation and use plan developed through a planning process by a council for a designated area of 1 or more States, or of land under the jurisdiction of an Indian tribe, that includes 1 or more of the following elements:

On page 260, line 24, insert “, including the production of energy crops” after “conservation”.

On page 271, line 18, insert “(including aquatic habitat)” after “habitat”.

On page 272, line 25, strike “\$375,000” and insert “\$355,000,000”.

On page 273, line 1, strike “\$50,000” and insert “\$50,000,000”.

On page 277, line 10, insert “tribal,” after “State.”.

On page 283, line 5, strike the closing quotation marks and the following period.

On page 283, between lines 5 and 6, insert the following:

“SEC. 1240Q. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

“(a) IN GENERAL.—The Secretary shall establish a national grassroots water protection program to more effectively use onsite technical assistance capabilities of each State rural water association that, as of the date of enactment of this section, operates a wellhead or groundwater protection program in the State.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2002 through 2006.”.

Beginning on page 283, strike line 9 and all that follows through page 288, line 9, and insert the following:

SEC. 2 . FARMLAND PROTECTION PROGRAM.

(a) IN GENERAL.—Chapter 2 of the Food Security Act of 1985 (as added by section 2 ) is amended by adding at the end the following:

“Subchapter B—Farmland Protection Program

“SEC. 1238H. DEFINITIONS.

“In this subchapter:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

“(B) any organization that—

“(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

“(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

“(iii) is described in section 509(a)(2) of that Code; or

“(iv) is described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code.

“(2) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ means land on a farm or ranch that—

“(i) has prime, unique, or other productive soil; or

“(ii) contains historical or archaeological resources; and

“(iii) is subject to a pending offer for purchase from an eligible entity.

“(B) INCLUSIONS.—The term ‘eligible land’ includes, on a farm or ranch—

“(i) cropland;

“(ii) rangeland;

“(iii) grassland;

“(iv) pasture land; and

“(v) forest land that is part of an agricultural operation, as determined by the Secretary.

“(3) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(4) PROGRAM.—The term ‘program’ means the farmland protection program established under section 1238I(a).

“SEC. 1238I. FARMLAND PROTECTION.

“(a) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service, shall establish and carry out a farmland protection program under which the Secretary shall purchase conservation easements or other interests in eligible land that is subject to a pending offer from an eligible

entity for the purpose of protecting topsoil by limiting nonagricultural uses of the land.

“(b) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased under this subchapter shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

**“SEC. 1238J. MARKET VIABILITY PROGRAM.**

“For each year for which funds are made available to carry out this subchapter, the Secretary may use not more than \$10,000,000 to provide matching market viability grants and technical assistance to farm and ranch operators that participate in the program.”.

(b) FUNDING.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as amended by section 2\_\_\_\_) is amended by adding at the end the following:

**“(d) FARMLAND PROTECTION PROGRAM.—**

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subchapter B of chapter 2 (including the provision of technical assistance), to remain available until expended—

- “(A) \$150,000,000 in fiscal year 2002;
- “(B) \$250,000,000 in fiscal year 2003;
- “(C) \$400,000,000 in fiscal year 2004;
- “(D) \$450,000,000 in fiscal year 2005;
- “(E) \$500,000,000 in fiscal year 2006; and
- “(F) \$100,000,000 in fiscal year 2007.”

**“(2) COST SHARING.—**

**“(A) FARMLAND PROTECTION.—**

“(i) SHARE PROVIDED UNDER THIS SUBSECTION.—The share of the cost of purchasing a conservation easement or other interest in eligible land described in section 1238I(a) provided under this subsection shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

“(ii) SHARE NOT PROVIDED UNDER THIS SUBSECTION.—As part of the share of the cost of purchasing a conservation easement or other interest in eligible land described in section 1238I(a) that is not provided under this subsection, an eligible entity may include a charitable donation by the private landowner from which the eligible land is to be purchased of not more than 25 percent of the fair market value of the conservation easement or other interest in eligible land.

“(iii) BIDDING DOWN.—If the Secretary determines that 2 or more applications for the purchase of a conservation easement or other interest in eligible land described in section 1238I(a) are comparable in achieving the purposes of section 1238I, the Secretary shall not assign a higher priority to any 1 of those applications solely on the basis of lesser cost to the farmland protection program established under section 1238I(a).

“(B) MARKET VIABILITY CONTRIBUTIONS.—As a condition of receiving a grant under section 1238J, a grantee shall provide funds in an amount equal to the amount of the grant.”.

**(c) CONFORMING AMENDMENT.—**

(1) IN GENERAL.—Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) is repealed.

(2) EFFECT ON CONTRACTS.—The amendment made by paragraph (1) shall have no effect on any contract entered into under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) that is in effect as of the date of enactment of this Act.

On page 286, line 23, strike the closing quotation marks.

Beginning on page 288, strike line 10 and all that follows through page 289, line 7.

On page 290, line 8, insert “that are located east of the 98th meridian” before the period.

On page 298, line 24, strike the closing quotation marks and the following period.

On page 298, after line 24, add the following:

**“SEC. 1238Q. DELEGATION TO PRIVATE ORGANIZATIONS.**

“(a) IN GENERAL.—The Secretary may permit a private conservation or land trust organization (referred to in this section as a ‘private organization’) or a State agency to hold and enforce an easement under this subchapter, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

“(1) the Secretary determines that granting the permission will promote grassland and shrubland protection;

“(2) the owner authorizes the private organization or State agency to hold and enforce the easement; and

“(3) the private organization or State agency agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the private organization or State agency.

“(b) APPLICATION.—A private organization or State agency that seeks to hold and enforce an easement under this subchapter shall apply to the Secretary for approval.

“(c) APPROVAL BY SECRETARY.—The Secretary may approve a private organization to hold and enforce an easement under this subchapter if (as determined by the Secretary) the private organization—

“(1)(A) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; or

“(B) is described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code;

“(2) has the relevant experience necessary to administer grassland and shrubland easements;

“(3) has a charter that describes the commitment of the private organization to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

“(4) has the resources necessary to effectuate the purposes of the charter.

**“(d) REASSIGNMENT.—**

“(1) IN GENERAL.—If a private organization holding an easement on land under this subchapter terminates, not later than 30 days after termination of the private organization, the owner of the land shall reassign the easement to—

“(A) a new private organization that is approved by the Secretary; or

“(B) the Secretary.

**“(2) NOTIFICATION OF SECRETARY.—**

“(A) IN GENERAL.—If the easement is reassigned to a new private organization, not later than 60 days after the date of reassignment, the owner and the new organization shall notify the Secretary in writing that a reassignment for termination has been made.

“(B) FAILURE TO NOTIFY.—If the owner and the new organization fail to notify the Secretary of the reassignment in accordance with subparagraph (A), the easement shall revert to the control of the Secretary.”.

On page 307, line 17, strike “\$50,000,000” and insert “\$45,000,000”.

On page 310, strike lines 1 through 3 and insert the following:

**(b) BOARD OF TRUSTEES.—**

(1) IN GENERAL.—The Institute shall be headed by a board of trustees composed of producers and handlers of organically grown and processed agricultural commodities appointed by the Secretary.

(2) GEOGRAPHIC REPRESENTATION.—The membership of the Board of Trustees shall

reflect equally each of the various regions in the United States in which organically grown and processed agricultural commodities are produced.

Beginning on page 310, strike line 23 and all that follows through page 311, line 12.

On page 311, line 13, strike “(f)” and insert “(e)”.

On page 311, line 16, strike “(g)” and insert “(f)”.

Beginning on page 313, strike line 7 and all that follows through page 320, line 10, and insert the following:

**Subtitle E—Miscellaneous**

Beginning on page 321, strike line 15 and all that follows through page 328 and insert the following:

**SEC. 2 \_\_\_\_ KLAMATH BASIN.**

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(2) TASK FORCE.—The term “Task Force” means the Klamath Basin Interagency Task Force established under subsection (b).

(b) INTERAGENCY TASK FORCE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary of Agriculture, in conjunction with the Secretary of the Interior, shall establish the Klamath Basin Interagency Task Force.

(B) APPROVAL OF MEMBER.—A decision of the Task Force that affects any area under the jurisdiction of a member of the Task Force described in paragraph (2) shall not be implemented without the consent of the member.

(2) MEMBERSHIP.—The Task Force shall include representatives of—

(A) the Department of Agriculture, including—

(i) the Natural Resources Conservation Service; and

(ii) the Farm Service Agency;

(B) the Department of the Interior, including—

(i) the United States Fish and Wildlife Service;

(ii) the Bureau of Reclamation; and

(iii) the Bureau of Indian Affairs;

(C) the Department of Commerce, including the National Marine Fisheries Service;

(D) the Council on Environmental Quality;

(E) the Federal Energy Regulatory Commission;

(F) the Environmental Protection Agency; and

(G) the United States Geological Survey.

(3) DUTIES.—The Task Force shall use conservation programs of the Department of Agriculture and other Federal programs in the Klamath Basin in Oregon and California for the purposes of—

(A) promoting agricultural production and environmental quality as compatible Klamath Basin goals;

(B) water conservation and improved agricultural practices;

(C) aquatic ecosystem restoration;

(D) improvement of water quality and quantity;

(E) recovery and enhancement of endangered species, including anadromous fish species and resident fish species; and

(F) restoration of the national wildlife refuges.

(4) COOPERATIVE AGREEMENT.—The Secretary of Agriculture, Secretary of the Interior, and Secretary of Commerce shall enter into a cooperative agreement to—

(A) provide funding to the Task Force; and

(B) use conservation programs administered by the Secretary of Agriculture and other Federal programs administered by the Secretary of the Interior and Secretary of Commerce in carrying out the purposes described in paragraph (3).

(5) GRANT PROGRAM.—

(A) IN GENERAL.—The Task Force shall establish a grant program (including appropriate cost-sharing, monitoring, and enforcement requirements) under which the Secretary of Agriculture, the Secretary of the Interior, or the Secretary of Commerce may enter into 1 or more agreements or contracts with non-Federal entities, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), environmental organizations, and water districts in the Klamath Basin to carry out the purposes described in paragraph (3).

(B) CONTRACT TERMS.—An agreement or contract under subparagraph (A) shall—

(i) specify the responsibilities of the entity and the Secretary under the agreement or contract;

(ii) provide for such cost-sharing as the Secretary considers appropriate; and

(iii) include mechanisms for monitoring and enforcement requirements.

(C) REPORT AND PLAN.—

(1) DEVELOPMENT.—

(A) REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force, after soliciting input from the States of California and Oregon, local public agencies, Indian tribes, Klamath Project districts, environmental organizations, and the stakeholder community, shall issue a report that—

(i) considers the impacts of the biological assessment, the biological opinion, activities of the Upper Klamath Basin Working Group, activities of the Pacific Fisheries Restoration Task Force, State water adjudications, and the resolution of tribal rights, that may affect actions of the Task Force; and

(ii) includes a description of Federal spending in the Klamath Basin for fiscal years 2000, 2001, and 2002.

(B) DRAFT PLAN.—Not later than 60 days after completion of the report under subparagraph (A), the Task Force shall develop, and provide public notice of and an opportunity for comment on, a draft 5-year plan to perform the duties of the Task Force under subsection (b)(3).

(C) FINAL PLAN.—Not later than 1 year after the date of enactment of this Act, the Task Force shall finalize the plan described in subparagraph (B).

(2) MATTERS TO BE CONSIDERED.—In developing the plan under paragraph (1), the Task Force shall consider—

(A) the use of water conservation easements by voluntary participants;

(B) purchase of agricultural land from willing sellers, with priority given to land that will enhance natural water storage capabilities;

(C) benefits to the agricultural economy through incentives for the use of irrigation efficiency, water conservation, or other agricultural practices;

(D) wetland restoration;

(E) feasibility studies for alternative water storage, water conservation, demand reduction, and restoration of endangered species;

(F) improvement of upper Klamath Basin watershed and water quality;

(G) improvement of habitat in the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, and the Upper Klamath Lake National Wildlife Refuge; and

(H) fish screening and water metering.

(d) COOPERATION WITH NON-FEDERAL ENTITIES.—In carrying out the duties of the Task Force under this section, the Task Force shall—

(1) consult with—

(A) environmental, fishing, and agricultural interests; and

(B) on a government-to-government basis, the Klamath, Hoopa, Yurok, and Karuk Tribes;

(2) provide appropriate opportunities for public participation; and

(3) hold meetings at least once every 3 months in the Klamath Basin with opportunities for stakeholder participation.

(e) FUNDING.—

(1) IN GENERAL.—To carry out the purposes described in subsection (b)(3), the Secretary shall use \$175,000,000 of the funds of the Commodity Credit Corporation for the period of fiscal years 2003 through 2006, of which—

(A) \$15,000,000 shall be made available to the Klamath, Hoopa, Yurok, and Karuk Tribes for use in the State of California; and

(B) \$15,000,000 shall be made available to those Tribes for use in the State of Oregon.

(2) FUNDS MADE AVAILABLE TO THE TRIBES.—

(A) IN GENERAL.—The funds made available to the Tribes under paragraph (1) shall be for projects for specific habitat improvement related to the recovery of threatened and endangered species to be carried out by the appropriate tribal natural resources department, consistent with the purposes of this section.

(B) REPORTS.—The Tribes shall provide a biennial report to the Task Force on expenditures of funds during the period covered by the report.

(3) OTHER FUNDS.—The funds made available under paragraph (1) shall be in addition to funds available to the States of California and Oregon under other provisions of this Act (including amendments made by this Act).

(4) UNUSED FUNDING.—Any funds made available for a fiscal year under paragraph (1) that are not obligated by April 1, 2006, may be used to carry out other activities under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).

(5) EXPIRATION OF AUTHORITY TO OBLIGATE FUNDS.—The Secretary may not obligate funds made available under this subsection after September 30, 2006.

(f) SAVINGS PROVISION.—Nothing in this section regarding the Klamath Basin affects any right or obligation of any party under any treaty or any other provision of Federal or State law.

(g) COOPERATIVE AGREEMENTS.—Notwithstanding the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.), the Secretary may enter into cooperative agreements under this section.

On page 331, line 6, strike “a certification of” and insert “evidence of”.

On page 331, strike lines 16 through 25 and insert the following:

“(A) submit a single proposal for 1 or more countries in which the certified institutional partner has already demonstrated organizational capacity; and

“(B) receive expedited review of the proposal.”.

On page 334, strike lines 9 through 17 and insert the following:

**SEC. 3 . FOOD AID CONSULTATIVE GROUP.**

Section 205(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725(f)) is amended by striking “2002” and inserting “2006”.

On page 335, line 22, add “and” at the end.

On page 335, strike lines 23 through 26.

On page 336, line 1, strike “(4)” and insert “(3)”.

Beginning on page 337, strike line 11 and all that follows through page 338, line 5, and insert the following:

**SEC. 3 . SALE PROCEDURE.**

Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733) is amended—

(1) in subsection (b)—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—In carrying out this Act, the Secretary”; and

(B) by adding at the end the following:

“(2) CURRENCIES.—Sales of commodities described in paragraph (1) may be in United States dollars or in a different currency.”;

(2) in subsection (e)—

(A) by striking “In carrying” and inserting the following:

“(1) IN GENERAL.—In carrying”; and

(B) by adding at the end the following:

“(2) SALE PRICE.—Sales of commodities described in paragraph (1) shall be made at a reasonable market price in the economy where the commodity is to be sold, as determined by the Secretary or the Administrator, as appropriate.”; and

(3) by adding at the end the following:

“(1) SALE PROCEDURE.—Subsections (b)(2) and (e)(2) shall apply to sales of commodities in recipient countries to generate proceeds to carry out projects under—

“(1) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)); and

“(2) title VIII of the Agricultural Trade Act of 1978.”.

On page 340, line 1, insert “**JOHN OGDONOWSKI**” before “**FARMER-TO-FARMER PROGRAM**”.

On page 340, line 12, strike “180” and insert “180 days”.

On page 340, line 13, strike “360” and insert “12 months”.

On page 343, line 6, strike “7251” and insert “5721”.

Beginning on page 349, strike line 13 and all that follows through page 350, line 13, and insert the following:

“(a) IN GENERAL.—There are established the Food for Progress Program and the International Food for Education and Nutrition Program through which eligible commodities are made available to eligible organizations to carry out programs of assistance in developing countries.

“(b) FOOD FOR PROGRESS PROGRAM.—

“(1) IN GENERAL.—To provide agricultural commodities to support the introduction or expansion of free trade enterprises in national economies and to promote food security in recipient countries, the Secretary shall establish the Food for Progress Program, under which the Secretary may enter into agreements (including multiyear agreements and agreements for programs in more than 1 country) with entities described in paragraph (2).

“(2) ENTITIES.—The Secretary may enter into agreements under paragraph (1) with—

“(A) the governments of emerging agricultural countries;

“(B) private voluntary organizations;

“(C) nonprofit agricultural organizations and cooperatives;

“(D) nongovernmental organizations; and

“(E) other private entities.

“(3) CONSIDERATIONS.—In determining whether to enter into an agreement to establish a program under paragraph (1), the Secretary shall take into consideration whether an emerging agricultural country is committed to carrying out, or is carrying out, policies that promote—

“(A) economic freedom;

“(B) private production of food commodities for domestic consumption; and

“(C) the creation and expansion of efficient domestic markets for the purchase and sale of those commodities.

On page 350, strike line 18.

On page 352, between lines 19 and 20, insert the following:

“(6) ELIGIBLE COSTS.—Subject to paragraphs (2) and (7), the Secretary shall pay all or part of—

“(A) the costs and charges described in paragraphs (1) through (5) and (7) of section

406(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(b)) with respect to an eligible commodity;

“(B) the internal transportation, storage, and handling costs incurred in moving the eligible commodity, if the Secretary determines that—

“(i) payment of the costs is appropriate; and

“(ii) the recipient country is a low income, net food-importing country that—

“(I) meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference; and

“(II) has a national government that is committed to or is working toward, through a national action plan, the World Declaration on Education for All convened in 1990 in Jomtien, Thailand, and the followup Dakar Framework for Action of the World Education Forum in 2000; and

“(C) the projected costs of an eligible organization for administration, sales, monitoring, and technical assistance under an agreement under paragraph (2) (including an itemized budget), taking into consideration, as determined by the Secretary—

“(i) the projected amount of such costs itemized by category; and

“(ii) the projected amount of assistance to be received from other donors.

“(7) FUNDING.—

“(A) COMMODITY CREDIT CORPORATION.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary may use the funds, facilities, and authorities of the Corporation to carry out this subsection.

“(ii) LIMITATION.—Not more than \$150,000,000 for each of fiscal years 2002 through 2005 shall be used to carry out this subsection.

“(B) USE LIMITATIONS.—Of the funds made available under subparagraph (A), the Secretary may use to carry out paragraph (6)(C) not more than \$20,000,000 for each of fiscal years 2002 through 2005.

“(C) REALLOCATION.—Funds not allocated under this subsection by April 30 of a fiscal year shall be made available for proposals submitted under the Food for Progress Program under subsection (b).

On page 352, line 20, strike “(6)” and insert “(8)”.

On page 354, between lines 4 and 5, insert the following:

“(4) MULTIYEAR AGREEMENTS.—In carrying out this title, on request and subject to the availability of commodities, the Secretary is encouraged to approve agreements that provide for commodities to be made available for distribution on a multiyear basis, if the agreements otherwise meet the requirements of this title.

On page 355, lines 13 and 14, strike “in subsection (h)(2)(C)(i)” and insert “under this title”.

On page 356, line 14, strike “a certification of” and insert “evidence of”.

On page 357, strike lines 1 through 18 and insert the following:

“(i) submit a single proposal for 1 or more countries in which the certified institutional partner has already demonstrated organizational capacity; and

“(ii) receive expedited review of the proposal.

On page 358, line 11, strike “nearby to” and insert “near”.

Beginning on page 358, strike line 21 and all that follows through page 359, line 2, and insert the following:

“(C) HUMANITARIAN OR DEVELOPMENT PURPOSES.—The Secretary may authorize the use of proceeds or exchanges to pay the costs incurred by an eligible organization under this title for—

On page 363, lines 8 and 9, strike “paragraphs (6) through (8)” and insert “paragraphs (5) through (7)”.

On page 363, strike lines 12 through 15 and insert the following:

“(2) MINIMUM TONNAGE.—Subject to paragraph (6)(B), not less than 400,000 metric tons of commodities may be provided under this title for the program established under subsection (b) for each of fiscal years 2002 through 2006.

On page 363, line 19, strike “this title” and insert “the program established under subsection (b)”.

On page 363, line 22, strike “(7)(B)” and insert “(6)(B)”.

On page 364, lines 1 and 2, strike “this section” and all that follows through the period and insert “the program established under subsection (b)”.

On page 364, strike lines 3 through 14.

On page 364, line 15, strike “(6)” and insert “(5)”.

On page 364, line 21, strike “(7)” and insert “(6)”.

On page 364, line 24, strike “this title” and insert “the program established under subsection (b)”.

Beginning on page 366, strike line 6 and all that follows through page 367, line 6.

On page 367, line 7, strike “(viii)” and insert “(vi)”.

On page 367, line 10, strike “(ix)” and insert “(vii)”.

On page 367, line 11, strike “(viii)” and insert “(vi)”.

On page 367, strike lines 18 through 23 and insert the following:

“(B) FUNDING.—Except for costs described in clauses (i) through (iii) of subparagraph (A), unless authorized in advance in an appropriations Act or reallocated under subsection (c)(7)(C)—

“(i) not more than \$55,000,000 of funds that would be available to carry out paragraph (2) may be used to cover costs under clauses (iv) through (vii) of subparagraph (A); and

“(ii) of the amount provided under clause (i), not more than \$12,000,000 shall be made available to cover costs under clauses (vi) and (vii) of subparagraph (A).

On page 367, line 24, strike “(8)” and insert “(7)”.

On page 368, line 5, strike “(7)(A)(ix)(I)” and insert “(6)(A)(vii)(I)”.

On page 373, strike lines 24 and 25 and insert the following:

(B) by striking “other than the country of origin—” and all that follows and inserting “other than the country of origin, for the purpose of carrying out programs under this subsection.”

On page 375, lines 3 and 4, strike “a certification of” and insert “evidence of”.

On page 375, strike lines 14 through 23 and insert the following:

“(A) submit a single proposal for 1 or more countries in which the certified institutional partner has already demonstrated organizational capacity; and

“(B) receive expedited review of the proposal.”

On page 382, between lines 14 and 15, insert the following:

**SEC. 3. REPORT ON USE OF PERISHABLE COMMODITIES.**

Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall develop and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on deficiencies in transportation and storage infrastructure and deficiencies in funding that have limited the use, and expansion of use, of highly perishable and semiperishable commodities in international food aid programs of the Department of Agriculture.

**SEC. 3. SENSE OF SENATE CONCERNING FOREIGN ASSISTANCE PROGRAMS.**

(a) FINDINGS.—Congress finds that—

(1) the international community faces a continuing epidemic of ethnic, sectarian, and criminal violence;

(2) poverty, hunger, political uncertainty, and social instability are the principal causes of violence and conflict around the world;

(3) broad-based, equitable economic growth and agriculture development facilitates political stability, food security, democracy, and the rule of law;

(4) democratic governments are more likely to advocate and observe international laws, protect civil and human rights, pursue free market economies, and avoid external conflicts;

(5) the United States Agency for International Development has provided critical democracy and governance assistance to a majority of the nations that successfully made the transition to democratic governments during the past 2 decades;

(6) 43 of the top 50 consumer nations of American agricultural products were once United States foreign aid recipients;

(7) in the past 50 years, infant child death rates in the developing world have been reduced by 50 percent, and health conditions around the world have improved more during this period than in any other period;

(8) the United States Agency for International Development child survival programs have significantly contributed to a 10 percent reduction in infant mortality rates worldwide in just the past 8 years;

(9) in providing assistance by the United States and other donors in better seeds and teaching more efficient agricultural techniques over the past 2 decades have helped make it possible to feed an additional 1,000,000,000 people in the world;

(10) despite this progress, approximately 1,200,000,000 people, one-quarter of the world's population, live on less than \$1 per day, and approximately 3,000,000,000 people live on only \$2 per day;

(11) 95 percent of new births occur in developing countries, including the world's poorest countries; and

(12) only ½ percent of the Federal budget is dedicated to international economic and humanitarian assistance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) United States foreign assistance programs should play an increased role in the global fight against terrorism to complement the national security objectives of the United States;

(2) the United States should lead coordinated international efforts to provide increased financial assistance to countries with impoverished and disadvantaged populations that are the breeding grounds for terrorism; and

(3) the United States Agency for International Development and the Department of Agriculture should substantially increase humanitarian, economic development, and agricultural assistance to foster international peace and stability and the promotion of human rights.

On page 404, between lines 7 and 8, insert the following:

**SEC. 4. REDEMPTION OF BENEFITS THROUGH GROUP LIVING ARRANGEMENTS.**

Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019) is amended by inserting after the first sentence the following: “Notwithstanding the preceding sentence, a center, organization, institution, shelter, group living arrangement, or establishment described in that sentence may be authorized to redeem coupons through a financial institution

described in that sentence if the center, organization, institution, shelter, group living arrangement, or establishment is equipped with 1 or more point-of-sale devices and is operating in an area in which an electronic benefit transfer system described in section 7(i) has been implemented.”

Beginning on page 416, strike line 11 and all that follows through page 418, line 11, and insert the following:

“(10) ADJUSTMENTS OF PAYMENT ERROR RATE.—

“(A) IN GENERAL.—

“(i) ADJUSTMENT FOR HIGHER PERCENTAGE OF HOUSEHOLDS WITH EARNED INCOME.—With respect to fiscal year 2002 and each fiscal year thereafter, in applying paragraph (1), the Secretary shall adjust the payment error rate determined under paragraph (2)(A) as necessary to take into account any increases in errors that result from the State agency’s having a higher percentage of participating households that have earned income than the lesser of—

“(I) the percentage of participating households in all States that have earned income; or

“(II) the percentage of participating households in the State in fiscal year 1992 that had earned income.

“(ii) ADJUSTMENT FOR HIGHER PERCENTAGE OF HOUSEHOLDS WITH NONCITIZEN MEMBERS.—With respect to fiscal year 2002 and each fiscal year thereafter, in applying paragraph (1), the Secretary shall adjust the payment error rate determined under paragraph (2)(A) as necessary to take into account any increases in errors that result from the State agency’s having a higher percentage of participating households that have 1 or more members who are not United States citizens than the lesser of—

“(I) the percentage of participating households in all States that have 1 or more members who are not United States citizens; or

“(II) the percentage of participating households in the State in fiscal year 1998 that had 1 or more members who were not United States citizens.

“(B) ADDITIONAL ADJUSTMENTS.—For

On page 419, line 16, strike “430(a)(6))” and insert “(a)(6))”.

Beginning on page 427, strike line 23 and all that follows through page 428, line 5, and insert the following:

(c) PARTICIPANT EXPENSES.—Section 6(d)(4)(I)(i) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)(I)(i)) is amended by striking “except that the State agency may limit such reimbursement to each participant to \$25 per month” and inserting “except that, in the case of each of fiscal years 2002 through 2009, the State agency may limit such reimbursement to each participant to \$50 per month”.

(d) FEDERAL REIMBURSEMENT.—Section 16(h)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(3)) is amended by striking “except that such total amount shall not exceed an amount representing \$25 per participant per month” and inserting “except that, in the case of each of fiscal years 2002 through 2009, such total amount shall not exceed an amount representing \$50 per participant per month”.

On page 438, after line 24, add the following:

(b) REPORT TO CONGRESS AND INCREASED AUTHORIZATION.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall develop and submit to Congress a report that—

(A) describes the similarities and differences (in terms of program administration, rules, benefits, and requirements) between—

(i) the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), other than section 19 of that Act (7 U.S.C. 2028); and

(ii) the program to provide assistance to Puerto Rico under section 19 of that Act (as in effect on the day before the date of enactment of this Act);

(B) specifies the costs and savings associated with each similarity and difference; and (C) states the recommendation of the Comptroller General as to whether additional funding should be provided to carry out section 19 of that Act.

(2) INCREASED AUTHORIZATION.—Effective on the date of submission to Congress of the report under paragraph (1), there is authorized to be appropriated to carry out section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) (in addition to amounts made available to carry out that section under law other than this subsection) \$50,000,000 for each fiscal year.

(3) LIMITATION.—No amounts may be made available to carry out paragraph (2) unless specifically provided by an appropriation Act.

On page 439, line 1, strike “(b)” and insert “(c)”.

On page 439, line 3, strike “(c)” and insert “(d)”.

On page 440, strike line 3 and insert the following:

“(5) meet, as soon as practicable through the provision of grants of not to exceed \$25,000 each, specific

On page 440, strike lines 6 and 7 and insert the following:

“(A) infrastructure improvement and development (including the purchase of equipment necessary for the production, handling, or marketing of locally produced food);

On page 441, after line 22, add the following:

**SEC. 4. USE OF APPROVED FOOD SAFETY TECHNOLOGY.**

(a) IN GENERAL.—Section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036) (as amended by section 4 ) is amended by adding at the end the following:

“(d) USE OF APPROVED FOOD SAFETY TECHNOLOGY.—

“(1) IN GENERAL.—In acquiring commodities for distribution through a program specified in paragraph (2), the Secretary shall not prohibit the use of any technology to improve food safety that has been approved by the Secretary or the Secretary of Health and Human Services.

“(2) PROGRAMS.—A program referred to in paragraph (1) is a program authorized under—

“(A) this Act;

“(B) the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86);

“(C) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

“(D) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

“(E) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the date of enactment of this Act.

On page 442, line 3, strike “The Food” and insert the following:

(a) IN GENERAL.—The Food

On page 444, between lines 16 and 17, insert the following:

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the date of enactment of this Act.

On page 448, strike lines 8 through 22 and insert the following:

“(2) AMOUNT OF GRANTS.—

“(A) FISCAL YEAR 2003.—For fiscal year 2003, the amount of each grant per caseload slot shall be equal to \$50, adjusted by the percentage change between—

“(i) the value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30, 2001; and

“(ii) the value of that index for the 12-month period ending June 30, 2002.

“(B) FISCAL YEARS 2004 THROUGH 2006.—For each of fiscal years 2004 through 2006, the amount of each grant per caseload slot shall be equal to the amount of the grant per caseload slot for the preceding fiscal year, adjusted by the percentage change between—

“(i) the value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and

“(ii) the value of that index for the 12-month period ending June 30 of the preceding fiscal year.”;

(2) in subsection (d)(2), by striking “2002” each place it appears and inserting “2006”; and

(3) by striking subsection (1).

On page 454, after line 22, add the following:

**SEC. 4. REPORT ON CONVERSION OF WIC PROGRAM INTO AN INDIVIDUAL ENTITLEMENT PROGRAM.**

(a) FINDINGS.—Congress finds that the special supplemental nutrition program for woman, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) (referred to in this section as the ‘WIC program’)—

(1) safeguards the health of low-income pregnant, postpartum, and breast-feeding women, infants, and children up to 5 years of age who are at nutritional risk through the delivery of individualized food packages, nutrition education, and health referrals;

(2) is associated with a variety of desirable outcomes, including lower incidence of infant mortality, reduced prevalence of very low birth weights, improved nutrient intake among children, improved cognitive development among children, and lower Medicaid costs for women who participate;

(3) is recognized generally as a leading national health and nutrition program;

(4) as a discretionary program, can have inappropriate funding because funding levels must be determined early in the year by the President and the Committees on Appropriations of the House of Representatives and the Senate (referred to in this subsection as the ‘Committees’);

(5) can have funding shortfalls in some years because the economy worsens between the time that funding levels are established and the fiscal year is underway;

(6) may have to deny service or reduce benefits to eligible women, infants, and children in some States as a result of these funding shortfalls;

(7) may be provided with more funding than is required in those years in which the economy improves between the time that funding levels are established and the fiscal year is underway, with the result that the President and the Committees will have committed funds to the WIC program that could have been devoted to other priorities; and

(8) would not have this funding uncertainty if the WIC program were an entitlement program that provided benefits to every eligible woman, infant, and child seeking benefits.

(b) REPORT.—Not later than December 31, 2002, the Secretary of Agriculture shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate a report that analyzes the conversion of the WIC program

from a discretionary program into an individual entitlement program.

(c) CONTENTS.—The report shall—

(1) analyze the conversion of the WIC program into an individual entitlement program, rather than a capped entitlement program for States;

(2) analyze the conversion using at least 3 separate scenarios, including—

(A) 1 scenario under which the costs to the Federal Government approximate current projected funding levels;

(B) 1 scenario under which the costs to the Federal Government approximate current projected funding levels plus 5 percent; and

(C) 1 scenario under which the costs to the Federal Government approximate current projected funding levels plus 7 percent; and

(3) address—

(A) the levels at which, and manner by which, States will be reimbursed for food package costs and administrative costs;

(B) how current cost containment savings will be preserved;

(C) how reimbursement rates will be adjusted annually to reflect inflation or other factors affecting food prices;

(D) how program benefits and services will be affected by the conversion to an individual entitlement program; and

(E) any other issues that arise from converting the WIC program to an individual entitlement program, as determined by the Secretary of Agriculture.

(d) CONSULTATION.—In preparing the report, the Secretary of Agriculture shall consult with—

(1) the Committee on Education and the Workforce of the House of Representatives;

(2) the Committee on Agriculture, Nutrition and Forestry of the Senate;

(3) membership organizations representing State directors and local agencies administering the WIC program;

(4) Governors and other State officials;

(5) research and policy organizations that have a history of carrying out activities on issues affecting the WIC program; and

(6) advocacy organizations representing the needs of the population that is eligible to participate in the WIC program.

(e) FUNDING.—Notwithstanding any other provision of law, the Secretary shall carry out this section using funds made available for necessary expenses to carry out the WIC program.

#### SEC. 4. COMMODITY DONATIONS.

The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended—

(1) by redesignating sections 17 and 18 as sections 18 and 19, respectively; and

(2) by inserting after section 16 the following:

##### “SEC. 17. COMMODITY DONATIONS.

“(a) IN GENERAL.—Notwithstanding any other provision of law concerning commodity donations, any commodities acquired in the conduct of the operations of the Commodity Credit Corporation and any commodities acquired under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to the extent that the commodities are in excess of the quantities of commodities needed to carry out other authorized activities of the Commodity Credit Corporation and the Secretary (including any quantity specifically reserved for a specific purpose), may be used for any program authorized to be carried out by the Secretary that involves the acquisition of commodities for use in a domestic feeding program, including any program conducted by the Secretary that provides commodities to individuals in cases of hardship.

“(b) PROGRAMS.—A program described in subsection (a) includes a program authorized by—

“(1) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

“(2) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(3) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(4) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

“(5) such other laws as the Secretary determines to be appropriate.”.

#### SEC. 4. PURCHASES OF LOCALLY PRODUCED FOODS.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) encourage institutions participating in the national school lunch program authorized under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to purchase, in addition to other food purchases, locally produced foods for school meal programs to the maximum extent practicable and appropriate;

(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and post information concerning the policy on the website maintained by the Secretary; and

(3) in accordance with requirements established by the Secretary, provide start-up grants to not more than 200 institutions to defray the initial costs of equipment, materials, and storage facilities, and similar costs, incurred in carrying out the policy described in paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$400,000 for each of fiscal years 2002 through 2006.

(2) LIMITATION.—No amounts may be made available to carry out this section unless specifically provided by an appropriation Act.

On page 455, strike lines 6 through 20 and insert the following:

(b) PROGRAM PURPOSE.—The purpose of the seniors farmers' market nutrition program is to provide to low-income seniors resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from farmers' markets, roadside stands, and community-supported agriculture programs.

On page 456, between lines 12 and 13, insert the following:

(e) AUTHORITY.—The authority provided by this section is in addition to, and not in lieu of, the authority of the Secretary of Agriculture to carry out any similar program under the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

#### SEC. 4. 7. FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)) is amended—

(1) by striking “(9)(A) There” and inserting the following:

“(9) FUNDING.—

“(A) IN GENERAL.—

“(i) AUTHORIZATION OF APPROPRIATIONS.—There”; and

(2) in subparagraph (A), by adding at the end the following:

“(ii) MANDATORY FUNDING.—

“(I) IN GENERAL.—Not later than 30 days after the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2001, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$15,000,000.

“(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subsection (I), without further appropriation.”.

On page 457, strike lines 6 through 8 and insert the following:

(1) IN GENERAL.—Not later than 1 year after the implementation of the pilot program required by subsection (a), the Secretary (acting through the Economic Research Service) shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an evaluation of the results of the pilot program to determine—

On page 457, line 12, strike “and”.

On page 457, line 14, strike the period at the end and insert “; and”.

On page 457, between lines 14 and 15, insert the following:

(F) what effect, if any, the pilot program had on the sale of meals served under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

On page 536, strike lines 5 through 8 and insert the following:

“(3) a description of how the company intends to work with community-based organizations and local entities (including local economic development companies, local lenders, and local investors) and to seek to address the unmet equity capital needs of the communities served;

On page 539, strike lines 8 through 20 and insert the following:

“(d) APPROVAL; DESIGNATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may approve an applicant to operate as a Rural Business Investment Company under this subtitle and designate the applicant as a Rural Business Investment Company, if—

“(A) the Secretary determines that the application satisfies the requirements of subsection (b);

“(B) the area in which the Rural Business Investment Company is to conduct its operations, and establishment of branch offices or agencies (if authorized by the articles), are approved by the Secretary; and

“(C) the applicant enters into a participation agreement with the Secretary.

“(2) CAPITAL REQUIREMENTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may approve an applicant to operate as a Rural Business Investment Company under this subtitle and designate the applicant as a Rural Business Investment Company, if the Secretary determines that the applicant—

“(i) has private capital of less than \$2,500,000;

“(ii) would otherwise be approved under this subtitle, except that the applicant does not satisfy the requirements of section 384I(c); and

“(iii) has a viable business plan that reasonably projects profitable operations and that has a reasonable timetable for achieving a level of private capital that satisfies the requirements of section 384I(c).

“(B) LEVERAGE.—An applicant approved under subparagraph (A) shall not be eligible to receive leverage under this subtitle until the applicant satisfies the requirements of section 384I(c).

“(C) GRANTS.—An applicant approved under subparagraph (A) shall be eligible for grants under section 384H in proportion to the private capital of the applicant, as determined by the Secretary.

On page 540, strike lines 11 through 17 and insert the following:

“(1) guarantee the debentures issued by a Rural Business Investment Company only to the extent that the total face amount of outstanding guaranteed debentures of the Rural Business Investment Company does not exceed the lesser of—

“(A) 300 percent of the private capital of the Rural Business Investment Company; or  
“(B) \$105,000,000; and

Beginning on page 544, strike line 23 and all that follows through page 547, line 8, and insert the following:

**“SEC. 384H. OPERATIONAL ASSISTANCE GRANTS.**

“(a) IN GENERAL.—In accordance with this section, the Secretary may make grants to Rural Business Investment Companies and to other entities, as authorized by this subtitle, to provide operational assistance to smaller enterprises financed, or expected to be financed, by the entities.

“(b) TERMS.—Grants made under this section shall be made over a multiyear period (not to exceed 10 years) under such other terms as the Secretary may require.

“(c) USE OF FUNDS.—The proceeds of a grant made under this section may be used by the Rural Business Investment Company receiving the grant only to provide operational assistance in connection with an equity or prospective equity investment in a business located in a rural area.

“(d) SUBMISSION OF PLANS.—A Rural Business Investment Company shall be eligible for a grant under this section only if the Rural Business Investment Company submits to the Secretary, in such form and manner as the Secretary may require, a plan for use of the grant.

“(e) GRANT AMOUNT.—

“(1) RURAL BUSINESS INVESTMENT COMPANIES.—The amount of a grant made under this section to a Rural Business Investment Company shall be equal to the lesser of—

“(A) 10 percent of the private capital raised by the Rural Business Investment Company; or

“(B) \$1,000,000.

“(2) OTHER ENTITIES.—The amount of a grant made under this section to any entity other than a Rural Business Investment Company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to Rural Business Investment Companies under this subtitle.

On page 550, line 7, strike “and”.

On page 550, line 10, strike the period at the end and insert a semicolon.

On page 550, between lines 10 and 11, insert the following:

“(D) ensure that the Rural Business Investment Company is designed primarily to meet equity capital needs of the businesses in which the Rural Business Investment Company invests and not to compete with traditional small business financing by commercial lenders; and

“(E) require that the Rural Business Investment Company makes short-term non-equity investments of less than 5 years only to the extent necessary to preserve an existing investment.

Beginning on page 550, strike line 20 and all that follows through page 551, line 12, and insert the following:

**“SEC. 384J. FINANCIAL INSTITUTION INVESTMENTS.**

“(a) IN GENERAL.—Except as otherwise provided in this section and notwithstanding any other provision of law, the following banks, associations, and institutions are eligible both to establish and invest in any Rural Business Investment Company or in any entity established to invest solely in Rural Business Investment Companies:

“(1) Any bank or savings association the deposits of which are insured under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.)

“(2) Any Farm Credit System institution described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)).

On page 551, lines 22 and 23, strike “30 percent of the voting” and insert “15 percent of the”.

On page 552, line 5, strike “**REQUIREMENT**” and insert “**REQUIREMENTS**”.

On page 552, line 6, insert “(a) RURAL BUSINESS INVESTMENT COMPANIES.—” before “Each”.

On page 552, between lines 19 and 20, insert the following:

“(b) PUBLIC REPORTS.—

“(1) IN GENERAL.—The Secretary shall prepare and make available to the public an annual report on the program established under this subtitle, including detailed information on—

“(A) the number of Rural Business Investment Companies licensed by the Secretary during the previous fiscal year;

“(B) the aggregate amount of leverage that Rural Business Investment Companies have received from the Federal Government during the previous fiscal year;

“(C) the aggregate number of each type of leveraged instruments used by Rural Business Investment Companies during the previous fiscal year and how each number compares to previous fiscal years;

“(D) the number of Rural Business Investment Company licenses surrendered and the number of Rural Business Investment Companies placed in liquidation during the previous fiscal year, identifying the amount of leverage each Rural Business Investment Company has received from the Federal Government and the type of leverage instruments each Rural Business Investment Company has used;

“(E) the amount of losses sustained by the Federal Government as a result of operations under this subtitle during the previous fiscal year and an estimate of the total losses that the Federal Government can reasonably expect to incur as a result of the operations during the current fiscal year;

“(F) actions taken by the Secretary to maximize recoupment of funds of the Federal Government incurred to implement and administer the Rural Business Investment Program under this subtitle during the previous fiscal year and to ensure compliance with the requirements of this subtitle (including regulations);

“(G) the amount of Federal Government leverage that each licensee received in the previous fiscal year and the types of leverage instruments each licensee used;

“(H) for each type of financing instrument, the sizes, types of geographic locations, and other characteristics of the small business investment companies using the instrument during the previous fiscal year, including the extent to which the investment companies have used the leverage from each instrument to make loans or equity investments in rural areas; and

“(I) the actions of the Secretary to carry out this subtitle.

“(2) PROHIBITION.—In compiling the report required under paragraph (1), the Secretary may not—

“(A) compile the report in a manner that permits identification of any particular type of investment by an individual Rural Business Investment Company or small business concern in which a Rural Business Investment Company invests; and

“(B) may not release any information that is prohibited under section 1905 of title 18, United States Code.

On page 568, strike line 5 and insert the following:

“(C) WAIVER FOR INDIAN TRIBES.—The Secretary may, at the request of an Indian tribe, waive the requirement under subparagraph (B)(ii) with respect to an application submitted by the Indian tribe for multiple eligible rural areas under the jurisdiction of the Indian tribe.

“(D) AMOUNT OF ENDOWMENT GRANTS.—

On page 568, line 13, insert “or Indian tribe” before the period at the end.

On page 569, strike lines 24 and 25 and insert the following:

may receive a supplemental grant in an amount of—

“(A) not more than \$100,000; or

“(B) in the case of a regional application approved under a waiver by the Secretary under subsection (b)(2)(C), not more than \$200,000.

On page 576, line 9, insert “or poor Indian tribe” after “area”.

On page 582, line 17, strike “grant” and insert “grant, loan, or loan guarantee”.

On page 582, strike lines 18 through 20 and insert the following:

“(1) be able to furnish, improve, or extend a broadband service to an eligible rural community; and

On page 586, strike line 3 and insert the following:

“(k) GRANTS FOR PLANNING AND FEASIBILITY STUDIES ON BROADBAND DEPLOYMENT.—

“(1) IN GENERAL.—In addition to any other grants, loans, or loan guarantees made under this section, the Secretary shall make grants to eligible entities specified in paragraph (2) for planning and feasibility studies carried out by those entities on the deployment of broadband services in the areas served by those entities.

“(2) ELIGIBLE ENTITIES.—The entities eligible for grants under this subsection are—

“(A) State governments;

“(B) local governments (including consortia of local governments);

“(C) tribal governments;

“(D) telecommunications cooperatives; and

“(E) appropriate State and regional non-profit entities (as determined by the Secretary).

“(3) ELIGIBILITY CRITERIA.—

“(A) IN GENERAL.—The Secretary shall establish criteria for eligibility for grants under this subsection, including criteria for the scope of the planning and feasibility studies to be carried out with grants under this subsection.

“(B) CONTRIBUTION BY GRANTEE.—An entity may not be awarded a grant under this subsection unless the entity agrees to contribute (out of funds other than the grant amount) to the planning and feasibility study to be funded by the grant an amount equal to the amount of the grant.

“(4) APPLICATION.—An entity seeking a grant under this subsection shall submit to the Secretary an application for the grant that is in such form, and that contains such information, as the Secretary shall require.

“(5) USE OF GRANT AMOUNTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), an entity that receives a grant under this subsection shall use the grant amount for planning and feasibility studies on the deployment of broadband services in the area of—

“(i) an Indian tribe;

“(ii) a local government;

“(iii) a State;

“(iv) a region of a State; or

“(v) a region of States.

“(B) LIMITATION.—Grant amounts under this subsection may not be used for the construction of buildings or other facilities, the acquisition or improvement of existing buildings or facilities, or the leasing of office space.

“(6) LIMITATION ON GRANT AMOUNTS.—

“(A) STATEWIDE GRANTS.—The amount of the grants made under this subsection in or with respect to any State in any fiscal year may not exceed \$250,000.

“(B) LOCAL GOVERNMENT, REGIONAL, OR TRIBAL GRANTS.—The amount of the grants

made under this subsection in or with respect to any local government, region, or tribal government in any fiscal year may not exceed \$100,000.

“(7) RESERVATION OF FUNDS FOR GRANTS.—

“(A) IN GENERAL.—For each fiscal year, up to 3 percent of the funds made available to carry out this section for the fiscal year shall be reserved for grants under this subsection.

“(B) RELEASE.—Funds reserved under subparagraph (A) for a fiscal year shall be reserved only until April 1 of the fiscal year.

“(8) SUPPLEMENT NOT SUPPLANT.—

“(A) IN GENERAL.—Eligibility for a grant under this subsection shall not affect eligibility for a grant, loan, or loan guarantee under another subsection of this section.

“(B) CONSIDERATIONS.—The Secretary shall not take into account the award of a grant under this subsection, or the award of a grant, loan, or loan guarantee under another subsection of this section, in awarding a grant, loan, or loan guarantee under this subsection or another subsection of this section, as the case may be.

“(1) TERMINATION OF AUTHORITY.—

On page 589, line 10, strike “or” at the end. On page 589, line 14, strike the period at the end and insert “; or”.

On page 589, between lines 14 and 15, insert the following:

“(iii) to create, expand, or operate value-added processing in an area described in paragraph (3)(B)(ii) in connection with production agriculture.

On page 589, strike lines 19 through 21 and insert the following:

“(B) PRIORITY.—The Secretary shall give priority to—

“(i) grant proposals for less than \$200,000 submitted under this subsection; and

“(ii) grant proposals submitted by an eligible nonprofit entity with a principal office that is located—

“(I) on land of an existing or former Native American reservation; and

“(II) in a city, town, or unincorporated area that has a population of no more than 5,000 inhabitants.

On page 615, strike lines 4 through 6 and insert the following:

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended—

(1) by striking “\$7,500,000” and inserting “\$15,000,000”; and

(2) by striking “2002” and inserting “2006”.

Beginning on page 613, strike line 7 and all that follows through page 615, line 2, and insert the following:

“(B) REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS.—

“(i) IN GENERAL.—The Secretary may make grants to qualified private, nonprofit entities to capitalize revolving funds for the purpose of providing financing to eligible entities for—

“(I) predevelopment costs associated with proposed water and wastewater projects or with existing water and wastewater systems; and

“(II) short-term costs incurred for replacement equipment, small-scale extension services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

“(ii) ELIGIBLE ENTITIES.—To be eligible to obtain financing from a revolving fund under clause (i), an eligible entity shall be eligible to obtain a loan, loan guarantee, or grant under paragraph (1) or this paragraph.

“(iii) MAXIMUM AMOUNT OF FINANCING.—The amount of financing made to an eligible entity under this subparagraph shall not exceed—

“(I) \$100,000 for costs described in clause (i)(I); and

“(II) \$100,000 for costs described in clause (i)(II).

“(iv) TERM.—The term of financing provided to an eligible entity under this subparagraph shall not exceed 10 years.

“(v) ADMINISTRATION.—The Secretary shall limit the amount of grant funds that may be used by a grant recipient for administrative costs incurred under this subparagraph.

“(vi) ANNUAL REPORT.—A nonprofit entity receiving a grant under this subparagraph shall submit an annual report to the Secretary that describes the number and size of communities served and the type of financing provided.

“(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$30,000,000 for each of fiscal years 2002 through 2006.”.

On page 624, after line 24, add the following:

**SEC. 6. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.**

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 6) is amended by adding at the end the following:

“(27) TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.—

“(A) IN GENERAL.—The Secretary may make grants to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)) to provide the Federal share of the cost of developing specific tribal college or university essential community facilities in rural areas.

“(B) FEDERAL SHARE.—

“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Secretary shall, by regulation, establish the maximum percentage of the cost of the facility that may be covered by a grant under this paragraph.

“(ii) MAXIMUM AMOUNT.—The amount of a grant provided under this paragraph for a facility shall not exceed 75 percent of the cost of developing the facility.

“(iii) GRADUATED SCALE.—The Secretary shall provide for a graduated scale of the percentages of the cost covered by a grant made under this paragraph, with higher percentages for facilities in communities that have lower community population and income levels, as determined by the Secretary.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$10,000,000 for each of fiscal years 2003 through 2006.”.

On page 626, between lines 5 and 6, insert the following:

**SEC. 6. RURAL BUSINESS ENTERPRISE GRANTS.**

Section 310B(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)(1)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(A) GRANTS.—The Secretary”; and

(2) by adding at the end the following:

“(B) SMALL AND EMERGING PRIVATE BUSINESS ENTERPRISES.—

“(i) IN GENERAL.—For the purpose of subparagraph (A), a small and emerging private business enterprise shall include (regardless of the number of employees or operating capital of the enterprise) an eligible nonprofit entity, or other tax exempt organization, with a principal office in an area that is located—

“(I) on land of an existing or former Native American reservation; and

“(II) in a city, town, or unincorporated area that has a population of no more than 5,000 inhabitants.

“(ii) USE OF GRANT.—An eligible nonprofit entity, or other tax exempt organization, described in clause (i) may use assistance pro-

vided under this paragraph to create, expand, or operate value-added processing in an area described in clause (i) in connection with production agriculture.

“(iii) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to grants that will be used to provide assistance to eligible nonprofit entities and other tax exempt organizations described in clause (i).”.

On page 626, strike lines 7 through 9 and insert the following:

Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) in paragraph (5)(F), before the period at the end the following: “, except that the Secretary shall not require non-Federal financial support in an amount that is greater than 5 percent in the case of a 1994 institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382))”; and

(2) in paragraph (9), by striking “2002” and inserting “2006”.

On page 630, line 7, strike “default” and insert “payment default, or the collateral has not been converted.”.

On page 638, strike lines 21 through 25 and insert the following:

“(F) RURAL ENTREPRENEURS AND MICRO-ENTERPRISE ASSISTANCE PROGRAM; NATIONAL RURAL COOPERATIVE AND BUSINESS EQUITY FUND; RURAL BUSINESS INVESTMENT PROGRAM.—In section 378 and subtitles G and H, the term ‘rural area’ means an area that is located—

On page 639, between lines 14 and 15, insert the following:

(3) Section 735 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681-29) is repealed.

On page 650, strike lines 8 through 11 and insert the following:

“(4) 1 representative of the Secretary of the Interior;

“(5) 1 representative of the Secretary of Transportation; and

“(6) representatives of such other Federal agencies as the Secretary may designate.

On page 664, strike lines 4 through 13 and insert the following:

**SEC. 6. GRANTS FOR TRAINING FARM WORKERS.**

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6) is amended by adding at the end the following:

**“SEC. 379E. GRANTS FOR TRAINING FARM WORKERS.**

“(a) DEFINITION OF ELIGIBLE ORGANIZATION.—In this section, the term ‘eligible organization’ means—

“(1) a nonprofit organization; or

“(2) a consortium of nonprofit organizations, agribusinesses, State and local governments, agricultural labor organizations, farmer cooperatives, or community-based organizations that has the ability to train farm workers.

“(b) GRANTS.—The Secretary shall make grants to eligible organizations to provide training to farm workers—

“(1) on the use of technology in agriculture; and

“(2) to develop the specialized skills necessary to produce higher value crops.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2002 through 2006.”.

On page 664, strike line 14 and insert the following:

**SEC. 6. DELTA REGIONAL AUTHORITY.**

(a) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 382D of the Consolidated

Farm and Rural Development Act (7 U.S.C. 2009aa-3) is amended to read as follows:

**“SEC. 382D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.**

“(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

“(1) they lack the economic resources to provide the required matching share; or

“(2) there are insufficient funds available under the applicable Federal law authorizing the Federal grant program to meet pressing needs of the region.

“(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations, under any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region, may—

“(1) increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 382F(b)); and

“(2) use amounts made available to carry out this subtitle to pay all or a portion of the increased Federal share.

**“(c) CERTIFICATIONS.—**

“(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

“(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

“(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

**“(2) CERTIFICATION BY AUTHORITY.—**

“(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 382I—

“(i) shall be controlling; and

“(ii) shall be accepted by the Federal agencies.

“(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.”

On page 664, line 15, strike “(a)” and insert “(b)”.

On page 664, line 19, strike “(b)” and insert “(c)”.

On page 664, after line 22, insert the following:

(d) DELTA REGION AGRICULTURAL ECONOMIC DEVELOPMENT.—Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6 ) is amended by adding at the end the following:

**“SEC. 379F. DELTA REGION AGRICULTURAL ECONOMIC DEVELOPMENT.**

“(a) IN GENERAL.—The Secretary may make grants to assist in the development of state-of-the-art technology in animal nutrition (including research and development of the technology) and value-added manufacturing to promote an economic platform for

the Delta region (as defined in section 382A) to relieve severe economic conditions.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2002 through 2006.”

(e) DEFINITION OF LOWER MISSISSIPPI.—Section 4(2)(I) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100-460) is amended by inserting “Butler, Conecuh, Escambia, Monroe,” after “Russell,”

Beginning on page 675, strike line 17 and all that follows through page 708, line 12, and insert the following:

**SEC. 6 . NORTHERN GREAT PLAINS REGIONAL AUTHORITY.**

The Consolidated Farm and Rural Development Act (as amended by section 6 ) is amended by adding at the end the following:

**“Subtitle K—Northern Great Plains Regional Authority**

**“SEC. 387A. DEFINITIONS.**

“In this subtitle:

“(1) AUTHORITY.—The term ‘Authority’ means the Northern Great Plains Regional Authority established by section 387B.

“(2) FEDERAL GRANT PROGRAM.—The term ‘Federal grant program’ means a Federal grant program to provide assistance in—

“(A) implementing the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103-318);

“(B) acquiring or developing land;

“(C) constructing or equipping a highway, road, bridge, or facility;

“(D) carrying out other economic development activities; or

“(E) conducting research activities related to the activities described in subparagraphs (A) through (D).

“(3) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(4) REGION.—The term ‘region’ means the States of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

**“SEC. 387B. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established the Northern Great Plains Regional Authority.

“(2) COMPOSITION.—The Authority shall be composed of—

“(A) a Federal member, to be appointed by the President, by and with the advice and consent of the Senate;

“(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority; and

“(C) a member of an Indian tribe, who shall be a chairperson of an Indian tribe in the region or a designee of such a chairperson, to be appointed by the President, by and with the advice and consent of the Senate.

“(3) COCHAIRPERSONS.—The Authority shall be headed by—

“(A) the Federal member, who shall serve—

“(i) as the Federal cochairperson; and

“(ii) as a liaison between the Federal Government and the Authority;

“(B) a State cochairperson, who—

“(i) shall be a Governor of a participating State in the region; and

“(ii) shall be elected by the State members for a term of not less than 1 year; and

“(C) the member of an Indian tribe, who shall serve—

“(i) as the tribal cochairperson; and

“(ii) as a liaison between the governments of Indian tribes in the region and the Authority.

“(b) ALTERNATE MEMBERS.—

“(1) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

“(2) STATE ALTERNATES.—

“(A) IN GENERAL.—The State member of a participating State may have a single alternate, who shall be—

“(i) a resident of that State; and

“(ii) appointed by the Governor of the State.

“(B) QUORUM.—A State alternate member shall not be counted toward the establishment of a quorum of the members of the Authority in any case in which a quorum of the State members is required to be present.

“(3) ALTERNATE TRIBAL COCHAIRPERSON.—The President shall appoint an alternate tribal cochairperson, by and with the advice and consent of the Senate.

“(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any member of the Authority, shall be delegated to any person who is not—

“(A) a member of the Authority; or

“(B) entitled to vote in Authority meetings.

“(c) VOTING.—

“(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(D)) to be effective.

“(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

“(A) a modification or revision of an Authority policy decision;

“(B) approval of a State or regional development plan; and

“(C) any allocation of funds among the States.

“(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

“(A) a responsibility of the Authority; and

“(B) conducted in accordance with section 387I.

“(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal, State, or Indian tribe member for whom the alternate member is an alternate.

“(d) DUTIES.—The Authority shall—

“(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, tribal, and local planning and development activities in the region;

“(2) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional outcome targets);

“(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, tribal, and local agencies, universities, local development districts, and other nonprofit groups;

“(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation;

“(5) work with State, tribal, and local agencies in developing appropriate model legislation;

“(6)(A) enhance the capacity of, and provide support for, local development districts in the region; or

“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

“(7) encourage private investment in industrial, commercial, and other economic development projects in the region; and

“(8) cooperate with and assist State governments with economic development programs of participating States.

“(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

“(2) authorize, through the Federal, State, or tribal cochairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, tribal, or local agency such information as may be available to or procurable by the agency that may be of use to the Authority in carrying out the duties of the Authority;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties of the Authority;

“(5) request the head of any Federal agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State agency, tribal government, or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government or tribal government; or

“(B) otherwise providing retirement and other employee benefit coverage;

“(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

“(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

“(A) any department, agency, or instrumentality of the United States;

“(B) any State (including a political subdivision, agency, or instrumentality of the State);

“(C) any Indian tribe in the region; or

“(D) any person, firm, association, or corporation; and

“(10) establish and maintain a central office and field offices at such locations as the Authority may select.

“(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with the Authority; and

“(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

“(g) ADMINISTRATIVE EXPENSES.—

“(1) FEDERAL SHARE.—The Federal share of the administrative expenses of the Authority shall be—

“(A) for fiscal year 2002, 100 percent;

“(B) for fiscal year 2003, 75 percent; and

“(C) for fiscal year 2004 and each fiscal year thereafter, 50 percent.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the administrative expenses of the Authority shall be paid by non-Federal sources in the States that participate in the Authority.

“(B) SHARE PAID BY EACH STATE.—The share of administrative expenses of the Authority to be paid by non-Federal sources in each State shall be determined by the Authority.

“(C) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (B).

“(D) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

“(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) COMPENSATION.—

“(1) FEDERAL AND TRIBAL COCHAIRPERSONS.—The Federal cochairperson and the tribal cochairperson shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

“(2) ALTERNATE FEDERAL AND TRIBAL COCHAIRPERSONS.—The alternate Federal cochairperson and the alternate tribal cochairperson—

“(A) shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate, shall perform such functions and duties as are delegated by the Federal cochairperson or the tribal cochairperson, respectively.

“(3) STATE MEMBERS AND ALTERNATES.—

“(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by State law.

“(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate member to the Authority.

“(4) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, tribal, local, or intergovernmental agency from which the person was detailed; or

“(ii) the Authority.

“(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than \$5,000, imprisoned not more than 1 year, or both.

“(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

“(5) ADDITIONAL PERSONNEL.—

“(A) COMPENSATION.—

“(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are

necessary to enable the Authority to carry out the duties of the Authority.

“(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

“(i) the carrying out of the administrative duties of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(i) CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—Except as provided under paragraph (2), no State member, Indian tribe member, State alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State or the Indian tribe) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment; has a financial interest.

“(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, Indian tribe member, alternate, officer, or employee—

“(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

“(B) makes full disclosure of the financial interest; and

“(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, Indian tribe member, alternate, officer, or employee.

“(3) VIOLATION.—Any person that violates this subsection shall be fined not more than \$10,000, imprisoned not more than 2 years, or both.

“(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4) or subsection (i) of this subtitle, or sections 202 through 209 of title 18, United States Code.

“SEC. 387C. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

“(a) IN GENERAL.—The Authority may approve grants to States, Indian tribes, local

governments, and public and nonprofit organizations for projects, approved in accordance with section 387I—

“(1) to develop the transportation and telecommunication infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may be made only to States, Indian tribes, local governments, and nonprofit organizations);

“(2) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

“(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

“(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

“(5) to otherwise achieve the purposes of this subtitle.

“(b) FUNDING.—

“(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

“(A) entirely from appropriations to carry out this section;

“(B) in combination with funds available under another Federal grant program; or

“(C) from any other source.

“(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal, State, and tribal resources in the region, Federal funds available under this subtitle shall be focused on the activities in the following order or priority:

“(A) Basic public infrastructure in distressed counties and isolated areas of distress.

“(B) Transportation and telecommunication infrastructure for the purpose of facilitating economic development in the region.

“(C) Business development, with emphasis on entrepreneurship.

“(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

“(3) FEDERAL SHARE IN GRANT PROGRAMS.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines appropriate.

**“SEC. 387D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.**

“(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

“(1) they lack the economic resources to provide the required matching share; or

“(2) there are insufficient funds available under the applicable Federal law authorizing the Federal grant program to meet pressing needs of the region.

“(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations, under any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region, may—

“(1) increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 387F(b)); and

“(2) use amounts made available to carry out this subtitle to pay all or a portion of the increased Federal share.

“(c) CERTIFICATIONS.—

“(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

“(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

“(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

“(2) CERTIFICATION BY AUTHORITY.—

“(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 387I—

“(i) shall be controlling; and

“(ii) shall be accepted by the Federal agencies.

“(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

**“SEC. 387E. LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.**

“(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ‘local development district’ means an entity—

“(1) that—

“(A) is a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

“(B) is—

“(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

“(ii) governed by a policy board with at least a simple majority of members consisting of—

“(I) elected officials or employees of a general purpose unit of local government who have been appointed to represent the government; or

“(II) individuals appointed by the general purpose unit of local government to represent the government;

“(iii) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

“(I) by the Governor of each State in which the entity is located; or

“(II) by the State officer designated by the appropriate State law to make the certification; and

“(iv)(I) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

“(II) a nonprofit agency or instrumentality of a State or local government;

“(III) a public organization established before the date of enactment of this subtitle under State law for creation of multi-jurisdictional, area-wide planning organizations; or

“(IV) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subclauses (I) through (III); and

“(2) that has not, as certified by the Federal cochairperson—

“(A) inappropriately used Federal grant funds from any Federal source; or

“(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

“(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

“(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section.

“(2) CONDITIONS FOR GRANTS.—

“(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

“(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

“(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

“(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

“(1) operate as a lead organization serving multicounty areas in the region at the local level; and

“(2) serve as a liaison between State, tribal, and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

“(A) are involved in multijurisdictional planning;

“(B) provide technical assistance to local jurisdictions and potential grantees; and

“(C) provide leadership and civic development assistance.

“(d) NORTHERN GREAT PLAINS INC.—Northern Great Plains Inc., a nonprofit corporation incorporated in the State of Minnesota to implement the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103-318)—

“(1) shall serve as an independent, primary resource for the Authority on issues of concern to the region;

“(2) shall advise the Authority on development of international trade;

“(3) may provide research, education, training, and other support to the Authority; and

“(4) may carry out other activities on its own behalf or on behalf of other entities.

**“SEC. 387F. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.**

“(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this subtitle, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

“(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration;

“(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

“(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty, unemployment, or outmigration.

“(b) DISTRESSED COUNTIES.—

“(1) IN GENERAL.—The Authority shall allocate at least 75 percent of the appropriations made available under section 387M for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

“(2) FUNDING LIMITATIONS.—The funding limitations under section 387D(b) shall not apply to a project to provide transportation or telecommunication or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

“(c) NONDISTRESSED COUNTIES.—

“(1) IN GENERAL.—Except as provided in this subsection, no funds shall be provided under this subtitle for a project located in a county designated as a nondistressed county under subsection (a)(2).

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 387E(b).

“(B) MULTICOUNTY PROJECTS.—The Authority may waive the application of the funding prohibition under paragraph (1) to—

“(i) a multicounty project that includes participation by a nondistressed county; or

“(ii) any other type of project; if the Authority determines that the project could bring significant benefits to areas of the region outside a nondistressed county.

“(C) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

“(i) by the most recent Federal data available; or

“(ii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

“(d) TRANSPORTATION, TELECOMMUNICATION, AND BASIC PUBLIC INFRASTRUCTURE.—The Authority shall allocate at least 50 percent of any funds made available under section 387M for transportation, telecommunication, and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 387C(a).

“SEC. 387G. DEVELOPMENT PLANNING PROCESS.

“(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

“(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 387B(d)(2).

“(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

“(1) consult with—

“(A) local development districts; and

“(B) local units of government; and

“(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

“(d) PUBLIC PARTICIPATION.—

“(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

“(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

“SEC. 387H. PROGRAM DEVELOPMENT CRITERIA.

“(a) IN GENERAL.—In considering programs and projects to be provided assistance under

this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

“(1) the relationship of the project or class of projects to overall regional development;

“(2) the per capita income and poverty and unemployment and outmigration rates in an area;

“(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

“(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

“(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

“(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

“(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist a person or entity in relocating from one area to another, except that financial assistance may be used as otherwise authorized by this title to attract businesses from outside the region to the region.

“(c) MAINTENANCE OF EFFORT.—Funds may be provided for a program or project in a State under this subtitle only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

“SEC. 387I. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

“(a) IN GENERAL.—A State or regional development plan or any multistate sub-regional plan that is proposed for development under this subtitle shall be reviewed by the Authority.

“(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

“(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

“(1) describes ways in which the project complies with any applicable State development plan;

“(2) meets applicable criteria under section 387H;

“(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

“(4) otherwise meets the requirements of this subtitle.

“(d) VOTES FOR DECISIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 387B(c) shall be required for approval of the application.

“SEC. 387J. CONSENT OF STATES.

“Nothing in this subtitle requires any State to engage in or accept any program

under this subtitle without the consent of the State.

“SEC. 387K. RECORDS.

“(a) RECORDS OF THE AUTHORITY.—

“(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

“(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

“(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report to the Authority on the transactions and activities to the Authority.

“(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

“(c) ANNUAL AUDIT.—The Inspector General of the Department of Agriculture shall audit the activities, transactions, and records of the Authority on an annual basis.

“SEC. 387L. ANNUAL REPORT.

“Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

“SEC. 387M. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this subtitle \$30,000,000 for each of fiscal years 2002 through 2006, to remain available until expended.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

“(c) MINIMUM STATE SHARE OF GRANTS.—Notwithstanding any other provision of this subtitle, for any fiscal year, the aggregate amount of grants received by a State and all persons or entities in the State under this subtitle shall be not less than 1/3 of the product obtained by multiplying—

“(1) the aggregate amount of grants under this subtitle for the fiscal year; and

“(2) the ratio that—

“(A) the population of the State (as determined by the Secretary of Commerce based on the most recent decennial census for which data are available); bears to

“(B) the population of the region (as so determined).

“SEC. 387N. TERMINATION OF AUTHORITY.

“The authority provided by this subtitle terminates effective October 1, 2006.”

On page 711, strike lines 17 through 25.

On page 716, strike lines 18 through 22.

On page 716, line 23, strike “(c)” and insert “(b)”.

On page 737, lines 17 and 18, strike “(including land and facilities at the Beltsville Agricultural Research Center)”.

Beginning on page 755, strike line 17 and all that follows through page 756, line 15, and insert the following:

(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively;

(2) by inserting after subsection (d) the following:

“(e) GRANT PRIORITY.—In selecting projects for which grants shall be made under this section, the Secretary shall give priority to public and private research or educational institutions and organizations the goals of which include—

“(1) formation of interdisciplinary teams to review or conduct research on the environmental effects of the release of new genetically modified agricultural products;

“(2) conduct of studies relating to biosafety of genetically modified agricultural products;

“(3) evaluation of the cost and benefit for development of an identity preservation system for genetically modified agricultural products;

“(4) establishment of international partnerships for research and education on biosafety issues; or

“(5) formation of interdisciplinary teams to renew and conduct research on the nutritional enhancement and environmental benefits of genetically modified agricultural products.”; and

(3) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (2) and inserting the following:

“(2) WITHHOLDING OF OUTLAYS FOR RESEARCH ON BIOTECHNOLOGY RISK ASSESSMENT.—Of the amounts of outlays made under this section or any other provision of law to carry out research on biotechnology (as defined and determined by the Secretary of Agriculture) for any fiscal year, the Secretary of Agriculture shall withhold at least 3 percent for grants for research on biotechnology risk assessment on all categories identified by the Secretary of Agriculture as biotechnology.”.

On page 756, between lines 15 and 16, insert the following:

**SEC. 7. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.**

(a) FINDINGS.—Congress finds that—

(1) electronic commerce sales in 1998 were approximately \$100,000,000,000 and are expected to reach \$1,300,000,000,000 by 2003;

(2) electronic commerce presents an enormous opportunity and challenge for small businesses, especially businesses in rural areas;

(3) while infrastructure for electronic commerce is growing rapidly in rural areas, small businesses will not be able to take advantage of the new technology without assistance;

(4) while electronic commerce will give businesses new markets and new ways of doing business, many small businesses in rural areas will have difficulty adopting appropriate electronic commerce business practices and technologies;

(5) the United States has an interest in ensuring that small businesses in rural areas participate in electronic commerce, to encourage success of the businesses, and to promote productivity and economic growth throughout the economy of the United States; and

(6) an electronic commerce extension program should be established using the nationwide county-based infrastructure within the Cooperative Extension Service to help small businesses throughout the United States to identify, adapt, adopt, and use electronic commerce business practices and technologies.

(b) PURPOSE.—The purpose of this section is to establish within the Cooperative State Research, Education, and Extension Service of the Department of Agriculture a rural electronic commerce extension program for small businesses and microenterprises in rural areas of the United States.

(c) PROGRAM.—Subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921 et seq.) is amended by adding after section 1669 the following:

**“SEC. 1670. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.**

“(a) DEFINITIONS.—In this section:

“(1) DEVELOPMENT CENTER.—The term ‘development center’ means—

“(A) the North Central Regional Center for Rural Development;

“(B) the Northeast Regional Center for Rural Development or its designee;

“(C) the Southern Rural Development Center; and

“(D) the Western Rural Development Center or its designee.

“(2) EXTENSION PROGRAM.—The term ‘extension program’ means the rural electronic commerce extension program established under subsection (b).

“(3) MICROENTERPRISE.—The term ‘microenterprise’ means a commercial enterprise that has 5 or fewer employees, 1 or more of whom owns the enterprise.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Administrator of the Cooperative State Research, Education, and Extension Service.

“(5) SMALL BUSINESS.—The term ‘small business’ has the meaning given the term ‘small-business concern’ by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

“(b) ESTABLISHMENT.—The Secretary shall establish a rural electronic commerce extension program to—

“(1) expand and enhance electronic commerce practices and technology to be used by small businesses and microenterprises in rural areas;

“(2) disseminate information and expertise through a cooperative extension service clearinghouse system in rural areas;

“(3) disseminate management, scientific, engineering, and technical information to small businesses in rural areas through the extension program; and

“(4) use, when appropriate, the expertise, technology, and capabilities of other institutions and organizations, including—

“(A) State and local governments;

“(B) Federal departments and agencies;

“(C) institutions of higher education;

“(D) nonprofit organizations;

“(E) small businesses and microenterprises that have experience in electronic commerce practice and technology; and

“(F) the development centers.

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall—

“(A) provide leadership, support, and coordination for the extension programs;

“(B) establish policies, practices, and procedures to assist rural communities in the adoption and use of electronic commerce techniques;

“(C) identify and strengthen existing mechanisms designed to assist rural areas in the adoption and use of electronic commerce techniques;

“(D) provide grants to fund projects and activities under the extension program; and

“(E) establish a clearinghouse system for States, communities, and businesses to obtain information on best practices, technology transfer, training, education, adoption, and use of electronic commerce in rural areas.

“(2) OFFICE OF RURAL ELECTRONIC COMMERCE.—The Secretary shall establish, in the Cooperative State Research, Education, and Extension Service, an Office of Rural Electronic Commerce to assist in carrying out this section.

“(d) GRANTS.—

“(1) IN GENERAL.—The Secretary shall carry out a program under which—

“(A) funds are distributed to each of the development centers to—

“(i) assemble regional expertise, and develop innovative education programs, that may be adapted and refined by State extension programs;

“(ii) train State-based cooperative extension agents to deliver rural electronic commerce education programs; and

“(iii) establish networks among universities, local governments, and private industries to focus on regional economic issues; and

“(B) competitive grants are made to cooperative extension service programs at land-grant colleges and universities (or consortia of land-grant colleges and universities)—

“(i) to develop and facilitate nationally innovative rural electronic commerce business strategies; and

“(ii) to assist small businesses and microenterprises in identifying, adapting, implementing, and using electronic commerce business practices and technologies.

“(2) ELIGIBILITY.—

“(A) CRITERIA.—

“(i) IN GENERAL.—The Secretary, shall—

“(I) establish criteria for the submission, evaluation, and funding of applications for grants to carry out projects and activities under the extension program; and

“(II) evaluate, rank, and select grant applications described in subclause (I) on the basis of the selection criteria.

“(ii) FACTORS.—The selection criteria established under clause (i) shall include—

“(I) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small business and microenterprise;

“(II) the quality of the service to be provided by a proposed project or activity under the extension program;

“(III) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

“(IV) the extent of participation of land-grant colleges and universities in the extension program (including any economic benefits that would result from that participation);

“(V) the percentage of funding and in-kind commitments from non-Federal sources that would be needed by and available for a proposed project or activity under the extension program; and

“(VI) the extent of participation of low-income and minority businesses or microenterprises in a proposed project or activity under the extension program.

“(B) APPLICATION.—As a condition of being considered for the receipt of funds under this section, an applicant shall submit to the Secretary an application that meets the criteria established under subparagraph (A)(i)(I).

“(C) NON-FEDERAL SHARE.—

“(i) IN GENERAL.—As a condition of the receipt of funds under this section, an applicant shall agree to obtain from non-Federal sources (including State, local, nonprofit, or private sector sources) contributions of—

“(I) except as provided in clause (iii), during each of the years in which the extension program receives funding under subsection (g), 50 percent of the estimated capital and annual operating and maintenance costs of the extension program; and

“(II) after expiration of the initial funding period specified in subclause (I), 100 percent of the estimated capital and annual operating and maintenance costs of the extension program.

“(ii) FORM.—The non-Federal share required under clause (i)(I) may be provided in the form of in-kind contributions.

“(iii) EXCEPTION.—The non-Federal share required under clause (i)(I) may be reduced to 25 percent of the estimated capital and annual operating and maintenance costs of the extension program if the grant recipient serves low-income or minority-owned businesses or microenterprises, as determined by the Secretary.

“(3) LIMITATION ON AMOUNT OF FUNDS AWARDED.—

“(A) INDIVIDUAL LAND-GRANT COLLEGES AND UNIVERSITIES.—A land-grant college or university shall not receive funds under this section in an amount that exceeds \$900,000.

“(B) CONSORTIA OF LAND-GRANT COLLEGES AND UNIVERSITIES.—With respect to a consortium of land-grant colleges and universities that receives funds under this section—

“(i) the total amount of the funds awarded to the consortium shall not exceed the product obtained by multiplying—

“(I) \$900,000; by

“(II) the number of land-grant colleges and universities comprising the consortium; and

“(ii) each land-grant college or university that is a member of the consortium shall receive an equal percentage of the total amount of funds awarded.

“(4) SELECTION.—At least once every 180 days, the Secretary shall evaluate, prioritize, and fund applications for proposed projects and activities under the extension program using the criteria established under paragraph (2)(A)(i)(I).

“(e) EVALUATION.—

“(1) IN GENERAL.—Not later than 1 year after a project or activity under the extension program is funded by a grant under this section, the evaluation panel established under paragraph (2)(A) shall evaluate the project or activity.

“(2) EVALUATION PANEL.—

“(A) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Secretary shall establish an evaluation panel to—

“(i) establish criteria for evaluating projects and activities under the extension program; and

“(ii) using the criteria established under clause (i), evaluate the projects and activities.

“(B) COMPOSITION.—The evaluation panel shall be composed of—

“(i) appropriate Federal, State, local government, and land-grant college or university officials, as determined by the Secretary; and

“(ii) private individuals with expertise in electronic commerce, technology, or small business, as determined by the Secretary.

“(3) CRITERIA.—The evaluation panel shall evaluate projects and activities under the extension program using criteria established by the Secretary that assess the efficiency and efficacy of the extension program.

“(4) ASSISTANCE FROM GRANT RECIPIENTS.—A recipient of a grant under this section shall, to the maximum extent practicable, provide to the evaluation panel such materials as the evaluation panel may request to assist in the evaluation of any project or activity carried out by the recipient under the extension program.

“(f) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

“(1) the policies, practices, and procedures used to assist rural communities in efforts to adopt and use electronic commerce techniques;

“(2) the clearinghouse system for States, communities, small businesses, and individuals established to obtain information regarding best practices, technology transfer, training, education, adoption, and use of electronic commerce in rural areas; and

“(3) the criteria used for the submission, evaluation, and funding of projects and activities under the extension program.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2002 through 2006, of which \$20,000,000 for each fiscal year shall be made available to carry out activities under subsection (d)(1)(A).

“(2) ADMINISTRATIVE COSTS.—The Secretary may use not more than 2 percent of the funds made available under paragraph (1) to pay administrative costs incurred in carrying out this section.”

On page 757, strike lines 15 through 18 and insert the following:

“(iv) rapid diagnostic techniques for animal disease agents considered to be risks for agricultural bioterrorism attack, including evaluation of the techniques.

On page 758, strike lines 6 through 12 and insert the following:

“(26) PROGRAM TO COMBAT CHILDHOOD OBESITY.—Research and extension grants may be made under this section to institutions of higher education with demonstrated capacity in basic and clinical obesity research, nutrition research, and community health education research to develop and evaluate community-wide strategies that catalyze partnerships between families and health care, education, recreation, mass media, and other community resources to reduce the incidence of childhood obesity.

On page 760, line 13, strike the closing quotation marks and the following semicolon.

On page 760, between lines 13 and 14, insert the following:

“(29) DAIRY PIPELINE CLEANERS.—Research and extension grants may be made under this section for the purpose of preventing and eliminating the dangers of dairy pipeline cleaner, including—

“(A) developing safer packaging mechanisms and a new transfer mechanism, including a new pumping mechanism for dairy pipeline cleaner;

“(B) outlining—

“(i) the accident history for dairy pipeline cleaner;

“(ii) the causes of accidents involving dairy pipeline cleaner; and

“(iii) potential means of prevention of such accidents, including improved labeling and pump structure; and

“(C) other means of improving efforts to prevent ingestion of dairy pipeline cleaner.

“(30) DEVELOPMENT OF PUBLICLY HELD PLANTS AND ANIMAL VARIETIES; GENETIC RESOURCE CONSERVATION ACTIVITIES.—Research and extension grants may be made under this section to colleges and universities, other Federal agencies, plant breeders, and other interested persons for the purpose of—

“(A) development of publicly held plants and animal varieties (including germplasm for identity-preserved markets); and

“(B) genetic resource conservation activities.”

On page 760, line 16, after “2006”, insert the following: “, of which not less than \$100,000 for each of fiscal years 2002 through 2006 shall be used to carry out subsection (e)(29)”.

On page 761, strike lines 12 through 26 and insert the following:

(C) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(4) determining desirable traits for organic commodities using advanced genomics, field trials, and other methods;

“(5) pursuing classical and marker-assisted breeding for publicly held varieties of crops and animals optimized for organic systems;

“(6) identifying marketing and policy constraints on the expansion of organic agriculture; and

“(7) conducting advanced on-farm research and development that emphasizes observation of, experimentation with, and innovation for working organic farms, including research relating to production and marketing and to socioeconomic conditions.”; and

On page 764, strike lines 3 through 7 and insert the following:

#### SEC. 7. PRECISION AGRICULTURE.

Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (A), inserting “or horticultural” following “agronomic”; and

(ii) in subparagraph (C), by striking “or” at the end;

(iii) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(iv) by adding at the end the following:

“(E) using such information to enable intelligent mechanized harvesting and sorting systems for horticultural crops.”;

(B) in paragraph (4)—

(i) in subparagraph (C), by striking “or” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(E) robotic and other intelligent machines for use in horticultural cropping systems.”; and

(C) in paragraph (5)(F), by inserting “(including improved use of energy inputs)” after “farm production efficiencies”;

(2) in subsection (c)(2)—

(A) by inserting “or horticultural” after “agronomic”; and

(B) by striking “and meteorological variability” and inserting “product variability, and meteorological variability”;

(3) in subsection (d)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) Improve farm energy use efficiencies.”; and

(4) in subsection (i)(1), by striking “2002” and inserting “2006”.

On page 765, between lines 20 and 21, insert the following:

#### SEC. 7. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

#### “SEC. 409. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, in coordination with State veterinarians and other appropriate State animal health professionals, may establish a program to conduct research, testing, and evaluation of programs for the control and management of Johne's disease in livestock.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.”.

#### SEC. 7. GRANTS FOR YOUTH ORGANIZATIONS.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) (as amended by section 7) is amended by adding at the end the following:

**SEC. 410. GRANTS FOR YOUTH ORGANIZATIONS.**

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Cooperative State Research, Education, and Extension Service, shall make grants to the Girl Scouts of the United States of America, the Boy Scouts of America, the National 4-H Council, and the National FFA Organization to establish pilot projects to expand the programs carried out by the organizations in rural areas and small towns (including, with respect to the National 4-H Council, activities provided for in Public Law 107-19 (115 Stat. 153)).

“(6) Of the funds of the Commodity Credit Corporation, the Secretary shall make available \$8 million for fiscal year 2002, which shall remain available until expended.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2003 through 2006.”.

**SEC. 7 . AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.**

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) (as amended by section 7 ) is amended by adding at the end the following:

**“SEC. 411. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.**

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) an institution of higher education;

“(B) a nonprofit organization; or

“(C) a consortium of for-profit institutions and agricultural research institutions.

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ means—

“(A) a historically black land-grant college or university;

“(B) a Hispanic-serving institution (as defined in section 1404 of the National, Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

“(C) a tribal college or university that offers a curriculum in agriculture or the biosciences.

“(b) GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary (acting through the Foreign Agricultural Service) shall establish and administer a program to make competitive grants to eligible entities to develop agricultural biotechnology for developing countries.

“(2) USE OF FUNDS.—Funds provided to an eligible entity under this section may be used for projects that use biotechnology to—

“(A) enhance the nutritional content of agricultural products that can be grown in developing countries;

“(B) increase the yield and safety of agricultural products that can be grown in developing countries;

“(C) increase the yield of agricultural products that are drought- and stress-resistant and that can be grown in developing countries;

“(D) extend the growing range of crops that can be grown in developing countries;

“(E) enhance the shelf-life of fruits and vegetables grown in developing countries;

“(F) develop environmentally sustainable agricultural products that can be grown in developing countries; and

“(G) develop vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically-engineered agricultural products.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2002 through 2006.”.

On page 778, strike line 6 and insert the following:

“(8) Chief Dull Knife Memorial College.

On page 784, strike lines 20 through 25 and insert the following:

**SEC. 7 . NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.**

(a) AUTHORIZATION.—Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended by striking “2002” each place it appears in subsections (a)(1) and (f) and inserting “2006”.

(b) REDESIGNATION.—Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended—

(1) in the section heading, by striking “centennial” and inserting “virtual”; and

(2) by striking “centennial” each place it appears and inserting “virtual”.

On page 797, between lines 4 and 5, insert the following:

**SEC. 7 . CARBON CYCLE RESEARCH.**

Section 221 of the Agricultural Risk Protection Act of 2000 (114 Stat. 407) is amended—

(1) in subsection (a), by striking “Of the amount” and all that follows through “to provide” and inserting “To the extent that funds are made available for the purpose, the Secretary shall provide”; and

(2) in subsection (d), by striking “under subsection (a)” and inserting “to carry out this section”; and

(3) by adding at the end the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2002 through 2006 such sums as are necessary to carry out this section.”.

On page 804, line 3, after “State,” insert “tribal.”.

On page 804, line 7, strike “Federal or State” and insert “Federal, State, or tribal”.

On page 808, line 1, strike “State, and” and insert “State, tribal, and”.

On page 813, lines 1 and 2, insert “public sector development of new crops and crop varieties,” after “systems.”.

On page 813, line 23, insert “(as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))” after “institution”.

Beginning on page 815, strike line 16 and all that follows through page 816, line 3, and insert the following:

**SEC. 7 . ORGANICALLY PRODUCED PRODUCT RESEARCH AND EDUCATION.**

Not later than December 1, 2004, the Secretary, acting through the Administrator of the Economic Research Service, shall prepare, in consultation with the Advisory Committee on Small Farms, and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on—

(1) the impact on small farms of the implementation of the national organic program under part 205 of title 7, Code of Federal Regulations; and

(2) the production and marketing costs to producers and handlers associated with transitioning to organic production.

On page 816, lines 7 through 9, strike “Agriculture Library), shall facilitate access by research and extension professionals in the United States to, and the use by those professionals of,” and insert “Agriculture Library) and the Economic Research Service, shall facilitate access by research and extension professionals, farmers, and other interested persons in the United States to, and the use by those persons of,”.

On page 816, between lines 11 and 12, insert the following:

**SEC. 7 . REPORT ON PRODUCERS AND HANDLERS OF ORGANIC AGRICULTURAL PRODUCTS.**

Not later than 1 year after funds are made available to carry out this section, the Secretary of Agriculture shall submit to Congress a report that—

(1) describes—

(A) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department of Agriculture;

(B) the extent to which producers and handlers of organic agricultural products are surveyed for ideas for research and promotion;

(C) ways in which the programs reflect the contributions made by producers and handlers of organic agricultural products and directly benefit the producers and handlers; and

(D) the implementation of initiatives that directly benefit organic producers and handlers; and

(2) evaluates industry and other proposals for improving the treatment of certified organic agricultural products under Federal marketing orders, including proposals to target additional resources for research and promotion of organic products and to differentiate between certified organic and other products in new or existing volume limitations or other orderly marketing requirements.

On page 837, between lines 14 and 15, insert the following:

**SEC. 8 . FOREST LEGACY PROGRAM.**

Section 7(l) of the Cooperative Forestry Management Act of 1978 (16 U.S.C. 2103c(1)) is amended by adding at the end the following:

“(3) STATE AUTHORIZATION.—Notwithstanding any other provision of this Act, a State may authorize any local government, or any qualified organization that is defined in section 170(h)(3) of the Internal Revenue Code of 1986 and organized for at least 1 of the purposes described in clause (i), (ii), or (iii) of section 170(h)(4)(A) of that Code, to acquire in land in the State, in accordance with this section, 1 or more interests in conservation easements to carry out the Forest Legacy Program in the State.”.

Beginning on page 840, strike line 23 and all that follows through page 841, line 2, and insert the following:

“(1) at least 1 center shall be located in California, Idaho, Montana, Oregon, or Washington; and

“(2) at least 1 center shall be located in Arizona, Colorado, Nevada, New Mexico, or Wyoming.

Beginning on page 842, strike line 6 and all that follows through page 854, line 3, and insert the following:

**SEC. 8 . WILDFIRE PREVENTION AND HAZARDOUS FUEL PURCHASE PILOT PROGRAM.**

(a) FINDINGS.—Congress finds that—

(1) the damage caused by wildfire disasters has been equivalent in magnitude to the damage resulting from the Northridge earthquake, Hurricane Andrew, and the recent flooding of the Mississippi River and the Red River;

(2) more than 20,000 communities in the United States are at risk from wildfire and approximately 11,000 of those communities are located near Federal land;

(3) the accumulation of heavy forest fuel loads continues to increase as a result of disease, insect infestations, and drought, further increasing the risk of fire each year;

(4) modification of forest fuel load conditions through the removal of hazardous fuels would—

(A) minimize catastrophic damage from wildfires;

(B) reduce the need for emergency funding to respond to wildfires; and

(C) protect lives, communities, watersheds, and wildlife habitat;

(5) the hazardous fuels removed from forest land represent an abundant renewable resource, as well as a significant supply of biomass for biomass-to-energy facilities;

(6) the United States should invest in technologies that promote economic and entrepreneurial opportunities in processing forest products removed through hazardous fuel reduction activities; and

(7) the United States should—

(A) develop and expand markets for traditionally underused wood and other biomass as an outlet for value-added excessive forest fuels; and

(B) commit resources to support planning, assessments, and project reviews to ensure that hazardous fuels management is accomplished expeditiously and in an environmentally sound manner.

(b) DEFINITIONS.—In this section:

(1) BIOMASS-TO-ENERGY FACILITY.—The term “biomass-to-energy facility” means a facility that uses forest biomass or other biomass as a raw material to produce electric energy, useful heat, or a transportation fuel.

(2) ELIGIBLE COMMUNITY.—The term “eligible community” means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary), or any area represented by a nonprofit corporation or institution organized under Federal or State law to promote broad-based economic development, that—

(i) has a population of not more than 10,000 individuals;

(ii) is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries, such as recreation, forage production, and tourism; and

(iii) is located near forest land, the condition of which land the Secretary determines poses a substantial present or potential hazard to—

(I) the safety of a forest ecosystem;

(II) the safety of wildlife; or

(III) in the case of a wildfire, the safety of firefighters, other individuals, and communities; and

(B) any county that is not contained within a metropolitan statistical area that meets the conditions described in clauses (ii) and (iii) of subparagraph (A).

(3) FOREST BIOMASS.—The term “forest biomass” means fuel and biomass accumulation from precommercial thinnings, slash, and brush on forest land.

(4) HAZARDOUS FUEL.—The term “hazardous fuel” means any excessive accumulation of forest biomass or other biomass on public or private forest land in the wildland-urban interface (as defined by the Secretary) that—

(A) is located near an eligible community;

(B) is designated as condition class 2 or 3 under the report of the Forest Service entitled “Protecting People and Sustainable Resources in Fire-Adapted Ecosystems”, dated October 13, 2000 (including any related maps); and

(C) the Secretary determines poses a substantial present or potential hazard to—

(i) the safety of a forest ecosystem;

(ii) the safety of wildlife; or

(iii) in the case of wildfire, the safety of firefighters, other individuals, and communities.

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NATIONAL FIRE PLAN.—The term “National Fire Plan” means the plan prepared by the Secretary of Agriculture and the Sec-

retary of the Interior entitled “Managing the Impact of Wildfires on Communities and the Environment” and dated September 8, 2000.

(7) PERSON.—The term “person” includes—

(A) a community;

(B) an Indian tribe;

(C) a small business, microbusiness, or other business that is incorporated in the United States; and

(D) a nonprofit organization.

(8) SECRETARY.—The term “Secretary” means—

(A) the Secretary of Agriculture (or a designee), with respect to National Forest System land and private land in the United States; and

(B) the Secretary of the Interior (or a designee) with respect to Federal land under the jurisdiction of the Secretary of the Interior or an Indian tribe.

(c) WILDFIRE PREVENTION AND HAZARDOUS FUEL PURCHASE PILOT PROGRAM.—

(1) GRANTS.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make grants to—

(i) persons that operate existing or new biomass-to-energy facilities to offset the costs incurred by those persons in purchasing hazardous fuels derived from public and private forest land adjacent to eligible communities; and

(ii) persons in rural communities that are seeking ways to improve the use of, or add value to, hazardous fuels.

(B) SELECTION CRITERIA.—The Secretary shall select recipients for grants under subparagraph (A)(i) based on—

(i) planned purchases by the recipients of hazardous fuels, as demonstrated by the recipient through the submission to the Secretary of such assurances as the Secretary may require;

(ii) the level of anticipated benefits of those purchases in reducing the risk of wildfires;

(iii) the extent to which the biomass-to-energy facility avoids adverse environmental impacts, including cumulative impacts, over the expected life of the biomass-to-energy facility; and

(iv) the demonstrable level of anticipated benefits for eligible communities, including the potential to develop thermal or electric energy resources or affordable energy for communities.

(2) GRANT AMOUNTS.—

(A) IN GENERAL.—A grant under subparagraph (A)(i) shall—

(i) be based on—

(I) the distance required to transport hazardous fuels to a biomass-to-energy facility; and

(II) the cost of removal of hazardous fuels; and

(ii) be in an amount that is at least equal to the product obtained by multiplying—

(I) the number of tons of hazardous fuels delivered to a grant recipient; by

(II) an amount that is at least \$5 but not more than \$10 per ton of hazardous fuels, as determined by the Secretary taking into consideration the factors described in clause (i).

(B) LIMITATION ON INDIVIDUAL GRANTS.—

(i) IN GENERAL.—Except as provided in clause (ii), a grant under subparagraph (A) shall not exceed \$1,500,000 for any biomass-to-energy facility for any fiscal year.

(ii) SMALL BIOMASS-TO-ENERGY FACILITIES.—A biomass-to-energy facility that has an annual production of 5 megawatts or less shall not be subject to the limitation under clause (i).

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—

(A) IN GENERAL.—As a condition of receipt of a grant under this subsection, a grant recipient shall keep such records as the Secretary may require, including records that—

(i) completely and accurately disclose the use of grant funds; and

(ii) describe all transactions involved in the purchase of hazardous fuels derived from forest land.

(B) ACCESS.—On notice by the Secretary, the operator of a biomass-to-energy facility that purchases or uses hazardous fuels with funds from a grant under this subsection shall provide the Secretary with—

(i) reasonable access to the biomass-to-energy facility; and

(ii) an opportunity to examine the inventory and records of the biomass-to-energy facility.

(4) MONITORING OF EFFECT OF TREATMENTS.—

(A) IN GENERAL.—To determine and document the environmental impact of hazardous fuel removal, the Secretary shall monitor—

(i) environmental impacts of activities carried out under this subsection; and

(ii) Federal land from which hazardous fuels are removed and sold to a biomass-to-energy facility under this subsection.

(B) EMPLOYMENT.—

(i) IN GENERAL.—The Comptroller General of the United States shall monitor—

(I) the number of jobs created in or near eligible communities as a result of the implementation of this subsection;

(II) the opportunities created for small businesses and microbusinesses as a result of the implementation of this subsection;

(III) the types and amounts of energy supplies created as a result of the implementation of this subsection; and

(IV) energy prices for eligible communities.

(ii) REPORT.—Beginning in fiscal year 2003, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources and the Committee on Agriculture of the House of Representatives an annual report that describes the information obtained through monitoring under clause (i).

(5) REVIEW AND REPORT.—

(A) IN GENERAL.—Not later than September 30, 2004, the Comptroller General shall submit to each of the committees described in paragraph (4)(B)(ii) a report that describes the results and effectiveness of the pilot program.

(B) REPORTS BY SECRETARY.—The Secretary shall submit to each of the committees described in paragraph (4)(B)(ii) an annual report describing the results of the pilot program that includes—

(i) an identification of the size of each biomass-to-energy facility that receives a grant under this section; and

(ii) the haul radius associated with each grant.

(C) TECHNICAL FEASIBILITY REPORT.—Not later than December 1, 2003, the Secretary of Agriculture, in cooperation with the Forest Products Lab and the Economic Action Program of the Forest Service, shall submit to each of the committees described in paragraph (4)(B)(ii) a report that describes—

(i) the technical feasibility of the use by small-scale biomass energy units of small-diameter trees and forest residues as a source of fuel;

(ii) the environmental impacts relating to the use of small-diameter trees and forest residues as described in clause (i); and

(iii) any social or economic benefits of small-scale biomass energy units for rural communities.

(6) GRANTS TO OTHER PERSONS.—

(A) IN GENERAL.—In addition to biomass-to-energy facilities, the Secretary may make grants under this subsection to persons in rural communities that are seeking ways to improve the use of, or add value to, hazardous fuels.

(B) SELECTION.—The Secretary shall select recipients of grants under subparagraph (A) based on—

(i) the extent to which the grant recipient avoids environmental impacts; and

(ii) the demonstrable level of anticipated benefits to rural communities, including opportunities for small businesses and micro-businesses and the potential for new job creation, that may result from the provision of the grant.

(C) MONITORING.—With respect to a grant made under this paragraph—

(i) the monitoring provisions described in paragraph (3) and applicable to biomass-to-energy facilities shall apply; and

(ii) the Secretary shall monitor the environmental impacts of projects funded by grants provided under this paragraph.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2002 through 2006.

(d) LONG-TERM FOREST STEWARDSHIP CONTRACTS FOR HAZARDOUS FUELS REMOVAL.—

(1) ANNUAL ASSESSMENT OF TREATMENT ACREAGE.—

(A) IN GENERAL.—Subject to the availability of appropriations, not later than March 1 of each of fiscal years 2002 through 2006, the Secretary shall submit to Congress an assessment of the number of acres of National Forest System land recommended to be treated during the subsequent fiscal year using stewardship end result contracts authorized by paragraph (3).

(B) COMPONENTS.—The assessment shall—

(i) be based on the treatment schedules contained in the report entitled “Protecting People and Sustaining Resources in Fire-Adapted Ecosystems”, dated October 13, 2000, and incorporated into the National Fire Plan;

(ii) identify the acreage by condition class, type of treatment, and treatment year to achieve the restoration goals outlined in the report within 10-, 15-, and 20-year time periods;

(iii) give priority to condition class 3 areas (as described in subsection (b)(4)(B)), including modifications in the restoration goals based on the effects of—

(I) fire;

(II) hazardous fuel treatments under the National Fire Plan; or

(III) updates in data;

(iv) provide information relating to the type of material and estimated quantities and range of sizes of material that shall be included in the treatments;

(v) describe the land allocation categories in which the contract authorities shall be used; and

(vi) give priority to areas described in subsection (b)(4)(A).

(2) FUNDING RECOMMENDATION.—The Secretary shall include in the annual assessment under paragraph (1) a request for funds sufficient to implement the recommendations contained in the assessment using stewardship end result contracts described in paragraph (3) in any case in which the Secretary determines that the objectives of the National Fire Plan would best be accomplished through forest stewardship end result contracting.

(3) STEWARDSHIP END RESULT CONTRACTING.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary may enter into not more than 28 stewardship end result contracts to implement the National

Fire Plan on National Forest System land based on the treatment schedules provided in the annual assessments conducted under paragraph (1)(B)(i).

(B) PERIOD OF CONTRACTS.—The contracting goals and authorities described in subsections (b) through (g) of section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (commonly known as the “Stewardship End Result Contracting Demonstration Project”) (16 U.S.C. 2104 note; Public Law 105-277), shall apply to contracts entered into under this paragraph, except that 14 of the 28 contracts entered into under subparagraph (A) shall be subject to the conditions that—

(i) funds from the contract, and any offset value of forest products that exceeds the value of the resource improvement treatments carried out under the contract, shall be deposited in the Treasury of the United States;

(ii) section 347(c)(3)(A) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (commonly known as the “Stewardship End Result Contracting Demonstration Project”) (16 U.S.C. 2104 note; Public Law 105-277) shall not apply to those contracts; and

(iii) the implementation shall be accomplished using separate contracts for the harvesting or collection, and sale, of merchantable material.

(C) STATUS REPORT.—Beginning with the assessment required under paragraph (1) for fiscal year 2003, the Secretary shall include in the annual assessment under paragraph (1) a status report of the stewardship end result contracts entered into under this paragraph.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 through 2006.

(e) EXCLUDED AREAS.—In carrying out this section, the Secretary shall—

(1) because of sensitivity of natural, cultural, or historical resources, designate areas to be excluded from any program under this section; and

(2) carry out this section only in the wildland-urban interface, as defined by the Secretary.

(f) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate on September 30, 2006.

On page 854, strike line 4 and insert the following:

**SEC. 809. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.**

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 9 (16 U.S.C. 2105) the following:

**“SEC. 9A. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.**

**“(a) DEFINITIONS.—**In this section:

**“(1) AGREEMENT.—**The term ‘Agreement’ means the Chesapeake 2000 Agreement, an interstate agreement the purpose of which is to correct the nutrient-related problems in the Chesapeake Bay by 2010.

**“(2) BAY-AREA STATE.—**

**“(A) IN GENERAL.—**The term ‘Bay-area State’ means a State any part of which is located in the watershed of the Chesapeake Bay.

**“(B) INCLUSION.—**The term ‘Bay-area State’ includes the District of Columbia.

**“(3) CHESAPEAKE BAY EXECUTIVE COUNCIL.—**The term ‘Council’ means the Chesapeake Bay Executive Council.

**“(4) DIRECTOR.—**The term ‘Director’ means the Director of Chesapeake Bay watershed forestry efforts designated under subsection (b)(2)(A).

**“(5) ELIGIBLE ENTITY.—**The term ‘eligible entity’ means—

**“(A) the government of a Bay-area State (or a political subdivision); and**

**“(B) an organization such as an educational institution or a community or conservation organization.**

**“(6) ELIGIBLE PROJECT.—**The term ‘eligible project’ means a project the purpose of which is to—

**“(A) improve wildlife habitat and water quality through the establishment, protection, and stewardship of riparian and wetland forests;**

**“(B) improve the capacity of a State or nonprofit organization to implement forest conservation, restoration, and stewardship actions;**

**“(C) develop and implement a watershed management plan that addresses forest conservation and restoration actions;**

**“(D) provide outreach and assistance to private landowners and communities to restore or protect watersheds through the enhancement of forests;**

**“(E) develop and implement communication, education, or technology transfer programs that broaden public understanding of the value of trees and forests and management of trees and forests in sustaining and restoring watershed health; and**

**“(F) conduct applied research, inventory, assessment, or monitoring activities.**

**“(7) PROGRAM.—**The term ‘program’ means the Chesapeake Bay watershed forestry program established under subsection (b)(1).

**“(8) SECRETARY.—**The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

**“(b) ESTABLISHMENT.—**

**“(1) IN GENERAL.—**The Secretary shall establish the Chesapeake Bay watershed forestry program to provide technical and financial assistance to the Council, Bay-area States, local governments, and nonprofit organizations to carry out eligible projects.

**“(2) DIRECTOR.—**

**“(A) IN GENERAL.—**The Secretary shall designate an employee of the Forest Service to serve as the Director for Chesapeake Bay watershed forestry efforts.

**“(B) DUTIES.—**The Director shall work in cooperation with the Secretary to carry out the purposes of the program described in paragraph (1).

**“(c) CHESAPEAKE WATERSHED FORESTRY GRANTS.—**

**“(1) IN GENERAL.—**In carrying out the program, the Secretary, in coordination with the Director, may provide grants to assist eligible entities in carrying out eligible projects.

**“(2) COST SHARING.—**The amount of a grant awarded under this subsection shall not exceed 75 percent of the total cost of the eligible project.

**“(3) ADDITIONAL REQUIREMENTS.—**The Secretary, in consultation with the Director, may prescribe any requirements and procedures necessary to carry out this subsection.

**“(d) CHESAPEAKE WATERSHED FORESTRY ASSESSMENT AND CONSERVATION STUDY.—**

**“(1) IN GENERAL.—**The Director, in cooperation with the Council, shall conduct a Chesapeake Bay watershed forestry research and assessment study that—

**“(A) assesses the extent and location of forest loss and fragmentation;**

**“(B) identifies critical forest land that should be protected to achieve the purposes of the Agreement;**

**“(C) prioritizes afforestation needs;**

**“(D) recommends—**

**“(i) management strategies based on actions carried out and information obtained under subparagraphs (A) through (C) to expand conservation and stewardship of the forest ecosystem in the Chesapeake Bay watershed; and**

“(ii) ways in which the Federal Government can work with State, county, local, and private entities to conserve critical forests, including recommendations on the feasibility of establishing new units of the National Forest System; and

“(E) identifies further inventory, assessment, and research needed to achieve the purposes of the Agreement.

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Director shall submit to Congress a comprehensive report on the results of the study under paragraph (1).

“(e) CHESAPEAKE BAY URBAN WATERSHED FORESTRY RESEARCH COOPERATIVE PROGRAM.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Director, may establish a comprehensive Chesapeake Bay urban watershed forestry research cooperative program to provide technical and financial assistance to eligible entities.

“(2) PURPOSES.—The purposes of the cooperative program shall be—

“(A) to meet the need of the urban population of the Chesapeake Bay watershed in managing forest land in urban and urbanizing areas through a combination of—

“(i) applied research;

“(ii) demonstration projects;

“(iii) implementation guidelines; and

“(iv) training and education;

“(B) to coalesce information from local managers, Federal, State, and private researchers, and state-of-the-art technology to answer critical urban forestry questions relating to air and water quality and watershed health; and

“(C) to provide a link between research and urban and community forestry policy, planning, and management.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$3,000,000 for fiscal year 2002; and

“(2) \$3,500,000 for each of fiscal years 2003 through 2006.”

#### SEC. 810. ENHANCED COMMUNITY FIRE PROTECTION.

On page 869, after line 24, add the following:

#### SEC. 8 . SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE INITIATIVE.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 7 (16 U.S.C. 2103c) the following:

#### “SEC. 7A. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE INITIATIVE.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State (including a political subdivision) or nonprofit organization that the Secretary determines under subsection (c)(1)(A)(ii) is eligible to receive a grant under subsection (c)(2).

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(3) PRIVATE FOREST LAND.—The term ‘private forest land’ means land that is—

“(A)(i) covered by trees; or

“(ii) suitable for growing trees, as determined by the Secretary;

“(B) suburban, as determined by the Secretary; and

“(C) owned by—

“(i) a private entity; or

“(ii) an Indian tribe.

“(4) PROGRAM.—The term ‘program’ means the Suburban and Community Forestry and Open Space Initiative established by subsection (b).

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Forest Service a program to be known as the ‘Suburban and Community Forestry and Open Space Initiative’.

“(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out projects and activities to—

“(A) conserve private forest land and maintain working forests in suburban environments; and

“(B) provide communities a means by which to address significant suburban sprawl.

“(c) GRANT PROGRAM.—

“(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

“(A) IN GENERAL.—The Secretary, in consultation with State foresters or equivalent State officials and State or county planning offices, shall establish criteria for—

“(i) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

“(ii) the identification of eligible entities.

“(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(i) shall be land that is—

“(i) located in an area that is affected, or threatened to be affected, by significant suburban sprawl, as determined by—

“(I) the appropriate State forester or equivalent State official; and

“(II) the planning office of the State or county in which the private forest land is located; and

“(ii) threatened by present or future conversion to nonforest use.

“(2) GRANTS.—

“(A) PROJECTS AND ACTIVITIES.—

“(i) IN GENERAL.—In carrying out this section, the Secretary shall award grants to eligible entities to carry out a project or activity described in clause (ii).

“(ii) TYPES.—A project or activity referred to in clause (i) is a project or activity that—

“(I) is carried out to conserve private forest land and contain significant suburban sprawl; and

“(II) provides for guaranteed public access to land on which the project or activity is carried out, unless the appropriate State forester or equivalent State official and the State or county planning office request, and provide justification for the request, that the requirement be waived.

“(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit for approval—

“(i) to the Secretary, in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant); and

“(ii) to the State forester or equivalent State official, a stewardship plan that describes the manner in which any private forest land to be conserved using funds from the grant will be managed in accordance with this section.

“(C) APPROVAL OR DISAPPROVAL.—

“(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (B)(i) or a resubmission under subclause (II)(bb), the Secretary shall—

“(I)(aa) approve the application; and

“(bb) award a grant to the applicant; or

“(II)(aa) disapprove the application; and

“(bb) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

“(ii) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that propose to fund projects and activities that promote, in addition to the primary purposes of conserving private forest land and containing significant suburban sprawl—

“(I) the sustainable management of private forest land;

“(II) community and school education programs and curricula relating to sustainable forestry; and

“(III) community involvement in determining the objectives for projects or activities that are funded under this section.

“(3) COST SHARING.—

“(A) IN GENERAL.—The amount of a grant awarded under this section to carry out a project or activity shall not exceed 50 percent of the total cost of the project or activity.

“(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each project or activity that is not funded by the grant awarded under this section has been secured.

“(C) FORM.—The share of the cost of carrying out any project or activity described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind.

“(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

“(1) PURCHASES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

“(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

“(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

“(A) a State (including a political subdivision of a State); or

“(B) a nonprofit organization.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$50,000,000 for fiscal year 2003; and

“(2) such sums as are necessary for each fiscal year thereafter.”

On page 871, between lines 22 and 23, insert the following:

#### SEC. 8 . USDA NATIONAL AGROFORESTRY CENTER.

(a) IN GENERAL.—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101-624) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.”;

and

(2) in subsection (a)—

(A) by striking “SEMIARID” and inserting “USDA NATIONAL”; and

(B) by striking “Semi-arid” and inserting “USDA National”.

(b) PROGRAM.—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101-624) is amended—

(1) by inserting “the Institute of Tropical Forestry and the Institute of Pacific Islands

Forestry of the Forest Service," after "entities,";

(2) in paragraph (1), by striking "on semi-arid lands";

(3) in paragraph (3), by striking "from semiarid land";

(4) by striking paragraph (4) and inserting the following:

"(4) collect information on the design and installation of forested riparian and upland buffers to—

"(A) protect water quality; and

"(B) manage water flow;";

(5) in paragraphs (6) and (7), by striking "on semiarid lands" each place it appears;

(6) by striking paragraph (8) and inserting the following:

"(8) provide international leadership in the worldwide development and exchange of agroforestry practices;";

(7) in paragraph (9), by striking "on semiarid lands";

(8) in paragraph (10), by striking "and" at the end;

(9) in paragraph (11), by striking the period at the end and inserting "; and"; and

(10) by adding at the end the following:

"(12) quantify the carbon storage potential of agroforestry practices such as—

"(A) windbreaks;

"(B) forested riparian buffers;

"(C) silvopasture timber and grazing systems; and

"(D) alley cropping.".

#### SEC. 8 . OFFICE OF TRIBAL RELATIONS.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 19 (16 U.S.C. 2113) the following:

##### "SEC. 19A. OFFICE OF TRIBAL RELATIONS.

"(a) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) OFFICE.—The term 'Office' means the Office of Tribal Relations established under subsection (b)(1).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish within the Forest Service the Office of Tribal Relations.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall—

"(A) be appointed by the Secretary, in consultation with interested Indian tribes; and

"(B) report directly to the Secretary.

"(3) ADMINISTRATIVE SUPPORT.—The Secretary shall ensure, to the maximum extent practicable, that adequate staffing and funds are made available to enable the Director to carry out the duties described in subsection (c).

"(c) DUTIES OF THE DIRECTOR.—

"(1) IN GENERAL.—The Director shall—

"(A) provide advice to the Secretary on all issues, policies, actions, and programs of the Forest Service that affect Indian tribes, including—

"(i) consultation with tribal governments;

"(ii) programmatic review for equitable tribal participation;

"(iii) monitoring and evaluation of relations between the Forest Service and Indian tribes;

"(iv) the coordination and integration of programs of the Forest Service that affect, or are of interest to, Indian tribes;

"(v) training of Forest Service personnel for competency in tribal relations; and

"(vi) the development of legislation affecting Indian tribes;

"(B) coordinate organizational responsibilities within the administrative units of the Forest Service to ensure that matters affect-

ing the rights and interests of Indian tribes are handled in a manner that is—

"(i) comprehensive;

"(ii) responsive to tribal needs; and

"(iii) consistent with policy guidelines of the Forest Service;

"(C)(i) develop generally applicable policies and procedures of the Forest Service pertaining to Indian tribes; and

"(ii) monitor the application of those policies and procedures throughout the administrative regions of the Forest Service;

"(D) provide such information or guidance to personnel of the Forest Service that are responsible for tribal relations as is required, as determined by the Secretary;

"(E) exercise such direct administrative authority pertaining to tribal relations programs as may be delegated by the Secretary;

"(F) for the purpose of coordinating programs and activities of the Forest Service with programs and actions of other agencies or departments that affect Indian tribes, consult with—

"(i) other agencies of the Department of Agriculture, including the Natural Resources Conservation Service; and

"(ii) other Federal agencies, including—

"(I) the Department of the Interior; and

"(II) the Environmental Protection Agency;

"(G) submit to the Secretary an annual report on the status of relations between the Forest Service and Indian tribes that includes, at a minimum—

"(i) an examination of the participation of Indian tribes in programs administered by the Secretary;

"(ii) a description of the status of initiatives being carried out to improve working relationships with Indian tribes; and

"(iii) recommendations for improvements or other adjustments to operations of the Forest Service that would be beneficial in strengthening working relationships with Indian tribes; and

"(H) carry out such other duties as the Secretary may assign.

"(d) COORDINATION.—In carrying out this section, the Office and other offices within the Forest Service shall consult on matters involving the rights and interests of Indian tribes.".

#### SEC. 8 . ASSISTANCE TO TRIBAL GOVERNMENTS.

The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

##### "SEC. 21. ASSISTANCE TO TRIBAL GOVERNMENTS.

"(a) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(b) ESTABLISHMENT.—The Secretary may provide financial, technical, educational and related assistance to Indian tribes for—

"(1) tribal consultation and coordination with the Forest Service on issues relating to—

"(A) tribal rights and interests on National Forest System land (including national forests and national grassland);

"(B) coordinated or cooperative management of resources shared by the Forest Service and Indian tribes; and

"(C) provision of tribal traditional, cultural, or other expertise or knowledge;

"(2) projects and activities for conservation education and awareness with respect to forest land under the jurisdiction of Indian tribes;

"(3) technical assistance for forest resources planning, management, and conservation on land under the jurisdiction of Indian tribes; and

"(4) the acquisition by Indian tribes, from willing sellers, of conservation interests (in-

cluding conservation easements) in forest land and resources on land under the jurisdiction of the Indian tribes.

"(c) IMPLEMENTATION.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to implement subsection (b) (including regulations for determining the distribution of assistance under that subsection).

"(2) CONSULTATION.—In developing regulations under paragraph (1), the Secretary shall engage in full, open, and substantive consultation with Indian tribes and representatives of Indian tribes.

"(d) COORDINATION WITH THE SECRETARY OF THE INTERIOR.—The Secretary shall coordinate with the Secretary of the Interior during the establishment, implementation, and administration of subsection (b) to ensure that programs under that subsection—

"(1) do not conflict with tribal programs provided under the authority of the Department of the Interior; and

"(2) meet the goals of the Indian tribes.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2002 and each fiscal year thereafter.".

#### SEC. 8 . SUDDEN OAK DEATH SYNDROME.

(a) FINDINGS.—Congress finds that—

(1) tan oak, coast live oak, Shreve's oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic *Phytophthora* fungus, is approaching epidemic proportions;

(3) very little is known about the new species of *Phytophthora*, and scientists are struggling to understand the causes of sudden oak death syndrome, the methods of transmittal, and how sudden oak death syndrome can best be treated;

(4) the *Phytophthora* fungus has been found on—

(A) *Rhododendron* plants in nurseries in California; and

(B) wild huckleberry plants, potentially endangering the commercial blueberry and cranberry industries;

(5) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions, including—

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduction in property values; and

(C) loss of revenue due to—

(i) restrictions on imports of oak products and nursery stock; and

(ii) the impact on the commercial *rhododendron*, *blueberry*, and *cranberry* industries; and

(6) Oregon and Canada have imposed an emergency quarantine on the importation of oak trees, oak products, and certain nursery plants from California.

(b) RESEARCH, MONITORING, AND TREATMENT OF SUDDEN OAK DEATH SYNDROME.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall carry out a sudden oak death syndrome research, monitoring, and treatment program to develop methods to control, manage, or eradicate sudden oak death syndrome from oak trees on public and private land.

(2) RESEARCH, MONITORING, AND TREATMENT ACTIVITIES.—In carrying out the program under paragraph (1), the Secretary may—

(A) conduct open space, roadside, and aerial surveys;

(B) provide monitoring technique workshops;

(C) develop baseline information on the distribution, condition, and mortality rates of oaks in California and the Pacific Northwest;

(D) maintain a geographic information system database;

(E) conduct research activities, including research on forest pathology, Phytophthora ecology, forest insects associated with oak decline, urban forestry, arboriculture, forest ecology, fire management, silviculture, landscape ecology, and epidemiology;

(F) evaluate the susceptibility of oaks and other vulnerable species throughout the United States; and

(G) develop and apply treatments.

(C) MANAGEMENT, REGULATION, AND FIRE PREVENTION.—

(1) IN GENERAL.—The Secretary shall conduct sudden oak death syndrome management, regulation, and fire prevention activities to reduce the threat of fire and fallen trees killed by sudden oak death syndrome.

(2) MANAGEMENT, REGULATION, AND FIRE PREVENTION ACTIVITIES.—In carrying out paragraph (1), the Secretary may—

(A) conduct hazard tree assessments;

(B) provide grants to local units of government for hazard tree removal, disposal and recycling, assessment and management of restoration and mitigation projects, green waste treatment facilities, reforestation, resistant tree breeding, and exotic weed control;

(C) increase and improve firefighting and emergency response capabilities in areas where fire hazard has increased due to oak die-off;

(D) treat vegetation to prevent fire, and assessment of fire risk, in areas heavily infected with sudden oak death syndrome;

(E) conduct national surveys and inspections of—

(i) commercial rhododendron and blueberry nurseries; and

(ii) native rhododendron and huckleberry plants;

(F) provide for monitoring of oaks and other vulnerable species throughout the United States to ensure early detection; and

(G) provide diagnostic services.

(D) EDUCATION AND RESEARCH.—

(1) IN GENERAL.—The Secretary shall conduct education and outreach activities to make information available to the public on sudden oak death syndrome.

(2) EDUCATION AND OUTREACH ACTIVITIES.—In carrying out paragraph (1), the Secretary may—

(A) develop and distribute educational materials for homeowners, arborists, urban foresters, park managers, public works personnel, recreationists, nursery workers, landscapers, naturalists, firefighting personnel, and other individuals, as the Secretary determines appropriate;

(B) design and maintain a website to provide information on sudden oak death syndrome; and

(C) provide financial and technical support to States, local governments, and nonprofit organizations providing information on sudden oak death syndrome.

(E) SUDDEN OAK DEATH SYNDROME ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a Sudden Oak Death Syndrome Advisory Committee (referred to in this subsection as the “Committee”) to assist the Secretary in carrying out this section.

(B) MEMBERSHIP.—

(i) COMPOSITION.—The Committee shall consist of—

(1) 1 representative of the Animal and Plant Health Inspection Service, to be ap-

pointed by the Administrator of the Animal and Plant Health Inspection Service;

(II) 1 representative of the Agricultural Research Service, to be appointed by the Administrator of the Agricultural Research Service;

(III) 1 representative of the Forest Service, to be appointed by the Chief of the Forest Service;

(IV) 2 individuals appointed by the Secretary from each of the States affected by sudden oak death syndrome; and

(V) any individual, to be appointed by the Secretary, in consultation with the Governors of the affected States, that the Secretary determines—

(aa) has an interest or expertise in sudden oak death syndrome; and

(bb) would contribute to the Committee.

(ii) DATE OF APPOINTMENTS.—The appointment of a member of the Committee shall be made not later than 90 days after the date of enactment of this Act.

(C) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

(2) DUTIES.—

(A) IMPLEMENTATION PLAN.—The Committee shall prepare a comprehensive implementation plan to address the management, control, and eradication of sudden oak death syndrome.

(B) REPORTS.—

(i) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to Congress the implementation plan prepared under paragraph (1).

(ii) FINAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Committee shall submit to Congress a report that contains—

(I) a summary of the activities of the Committee;

(II) an accounting of funds received and expended by the Committee; and

(III) findings and recommendations of the Committee.

(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2002 through 2006—

(1) to carry out subsection (b), \$7,500,000, of which not more than \$1,500,000 shall be used for treatment;

(2) to carry out subsection (c), \$6,000,000;

(3) to carry out subsection (d), \$500,000; and

(4) to carry out subsection (e), \$250,000.

#### SEC. 8. INDEPENDENT INVESTIGATION OF FIREFIGHTER FATALITIES.

In the case of each fatality of an officer or employee of the Forest Service that occurs due to wildfire entrapment or turnover, the Inspector General of the Department of Agriculture shall—

(1) conduct an investigation that does not rely on, and is completely independent of, any investigation of the fatality that is conducted by the Forest Service; and

(2) submit to Congress and the Secretary of Agriculture a report on the fatality.

#### SEC. 8. ADAPTIVE ECOSYSTEM RESTORATION OF ARIZONA AND NEW MEXICO FORESTS AND WOODLANDS.

(A) FINDINGS.—Congress finds that—

(1) fire suppression, logging, and overgrazing have degraded the ecological conditions of forests and woodlands in Arizona and New Mexico;

(2) some of those forests and woodlands contain unnaturally high quantities of biomass that are subject to large, high intensity wildfires that endanger human lives and livelihoods and ecological sustainability;

(3) degraded forests and woodlands have led to—

(A) declining biodiversity;

(B) decreased stream and spring flows;

(C) impaired watershed values;

(D) increased susceptibility to insects and diseases;

(E) increases in mortality in the oldest trees; and

(F) degraded habitats for wildlife and humans;

(4) healthy forest and woodland ecosystems—

(A) minimize the threat of unnatural wildfire;

(B) improve wildlife habitat;

(C) increase tree, grass, forb, and shrub productivity;

(D) enhance watershed values; and

(E) provide a basis for economically and environmentally sustainable uses;

(5) forest and woodland treatments intended to restore degraded ecosystems should be developed using the best available scientific knowledge;

(6) treatments not supported by sound science may fail to achieve long-term ecosystem health and resource restoration objectives;

(7)(A) scientific research must be integrated with ongoing land management activities; and

(B) restoration techniques must be continually reevaluated and adapted to reflect new knowledge and to meet the practical needs of land managers and communities developing and implementing restoration treatments; and

(8) scientific knowledge must be translated and transferred to land managers, resource specialists, communities, and stakeholders that collaborate in the development and implementation of those treatments.

(b) PURPOSES.—The purposes of this section are—

(1) to—

(A) improve the ecological health, resource values, and sustainability of forest and woodland ecosystems in Arizona and New Mexico; and

(B) reduce the threat of unnatural wildfire, disease, and insect infestations in those States;

(2) to restore ecosystem structure and function so that ecosystems will—

(A) support biodiversity;

(B) enhance watershed values;

(C) increase water flow to seeps and springs; and

(D) increase tree, grass, forb, and shrub vigor and growth to provide sustainable economic activities for current and future generations;

(3) to develop the scientific knowledge to inform the design of adaptive ecosystem management restoration treatments that will restore long-term ecological health to forests and woodlands in the States; and

(4) to encourage collaboration among land management agencies, communities, and interest groups in developing, implementing, and monitoring adaptive ecosystem management restoration treatments that are ecologically sound, economically viable, and socially responsible.

(c) DEFINITIONS.—In this section:

(1) ADAPTIVE ECOSYSTEM MANAGEMENT.—The term “adaptive ecosystem management” means management practiced by engaging researchers, land managers, resource specialists, policy analysts, decisionmakers, nonprofit organizations, and communities in conducting collaborative large-scale management experiments that seek to restore ecosystem health while seeking unexplored opportunities to enhance natural resource values.

(2) ECOLOGICAL INTEGRITY.—The term “ecological integrity” includes a critical range of variability in biodiversity, ecological processes and structures, regional and historical

context, and sustainable forestry practices in forests and woodlands.

(3) **ECOLOGICAL RESTORATION.**—The term “ecological restoration” means the process of assisting the recovery and management of ecological integrity.

(4) **INSTITUTE.**—The term “Institute” means an institute established under subsection (d)(1).

(5) **LAND MANAGEMENT AGENCY.**—The term “land management agency” means a Federal, State, local, or tribal land management agency.

(6) **PRACTITIONER.**—The term “practitioner” means a person or entity that practices natural resource management.

(7) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and  
(B) the Secretary of the Interior.

(8) **STATE.**—The term “State” means—  
(A) the State of Arizona; and  
(B) the State of New Mexico.

(d) **ESTABLISHMENT OF INSTITUTES.**—

(1) **IN GENERAL.**—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall establish—

(A) an Ecological Restoration Institute in Flagstaff, Arizona; and

(B) an Institute at a college or university in the State of New Mexico selected by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(2) **SCOPE OF RESEARCH; TRANSFER OF INFORMATION.**—Each Institute shall—

(A) plan, conduct, or otherwise arrange for applied ecosystem management research that—

(i) assists in answering questions identified by land managers, practitioners, and others concerned with land management; and

(ii) will be useful in the development and implementation of practical, science-based, ecological restoration treatments;

(B) translate scientific knowledge into communication tools that are easily understood by land managers, natural resource professionals, and concerned citizens; and

(C) provide similar information to land managers and other interested persons.

(3) **COOPERATION.**—Each Institute shall cooperate with—

(A) researchers at colleges and universities in the States that have demonstrated capabilities for research, information dissemination, continuing education, and undergraduate and graduate training, to develop broad capacity to implement ecological restoration in forest and woodland ecosystems; and

(B) other organizations and entities in the region (such as the Western Governors’ Association, Southwest Strategy group, the Southwest Fire Management Board, and the Arizona Governor’s Forest Health/Fire Plan Advisory Committee), to increase and accelerate efforts to restore forest ecosystem health and abate unnatural and unwanted wildfire.

(4) **APPROVAL OF ANNUAL WORK PLAN; REQUISITE ASSURANCES.**—As a condition to the receipt of funds made available under subsection (g), for each fiscal year, each Institute shall submit to the Secretary of Agriculture, for review by the Secretary of Agriculture, in consultation with the Secretary of the Interior, an annual work plan that includes assurances, satisfactory to the Secretaries, that the proposed work will serve the information needs of—

(A) land managers;

(B) practitioners;

(C) concerned citizens and communities; and

(D) the States.

(e) **COOPERATION BETWEEN INSTITUTES AND FEDERAL AGENCIES.**—In carrying out this

section, the Secretary of Agriculture, in consultation with the Secretary of the Interior—

(1) shall encourage other Federal departments, agencies, and instrumentalities to use and take advantage of, on a cooperative basis, the expertise and capabilities that are available through the Institutes;

(2) shall encourage cooperation and coordination with other Federal programs relating to—

(A) ecological restoration; and

(B) wildfire risk reduction;

(3) may (notwithstanding chapter 63 of title 31, United States Code)—

(A) enter into contracts, cooperative agreements, interagency personal agreements; and  
(B) carry out other transactions;

(4) may accept funds from other Federal departments, agencies, and instrumentalities to supplement or fully fund grants made, and contracts entered into, by the Secretaries;

(5) may promulgate such regulations as the Secretaries consider appropriate;

(6) may support a program of internships for qualified individuals at the undergraduate and graduate levels to carry out the educational and training objectives of this section; and

(7) shall encourage professional education and public information activities relating to the purposes of this section.

(f) **MONITORING AND EVALUATION.**—

(1) **IN GENERAL.**—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall complete a detailed evaluation of each Institute—

(A) to ensure, to the maximum extent practicable, that the research, communication tools, and information transfer activities of the Institute meet the needs of—

(i) land managers;

(ii) practitioners;

(iii) concerned citizens and communities; and

(iv) the States; and

(B) to determine whether continued provision of Federal assistance to the Institute is warranted.

(2) **STANDARDS FOR RECEIPT OF FINANCIAL ASSISTANCE.**—If, as a result of an evaluation under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, determines that an Institute does not qualify for further Federal assistance under this section, the Institute shall receive no further Federal assistance under this section until such time as the qualifications of the Institute are reestablished to the satisfaction of the Secretaries.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year.

On page 875, at the end of line 3, add “and”.

On page 875, beginning on line 9, strike the semicolon and all that follows through line 24 and insert a period.

On page 876, line 4, strike “647” and insert “6 \_\_\_\_\_”.

On page 877, strike lines 1 through 7 and insert the following:

“(C) **EXCLUSIONS.**—The term ‘biomass’ does not include—

“(i) paper that is commonly recycled; or

“(ii) unsegregated garbage.

On page 884, strike lines 1 through 6 and insert the following:

“(2) **BIOREFINERY.**—The term ‘biorefinery’ means equipment and processes that—

“(A) convert biomass into fuels and chemicals; and

“(B) may produce electricity.

On page 885, strike lines 7 through 15 and insert the following:

“(A) **IN GENERAL.**—In selecting projects to receive grants under subsection (c), the Secretary—

“(i) shall select projects based on the likelihood that the projects will demonstrate the commercial viability of a process for converting biomass into fuels or chemicals; and

“(ii) may consider the likelihood that the projects will produce electricity.

On page 886, line 8, strike “and”.

On page 886, line 10, strike the period and insert “; and”.

On page 886, between lines 10 and 11, insert the following:

“(x) the potential for developing advanced industrial biotechnology approaches.

On page 898, line 8, strike “15” and insert “30”.

On page 898, strike lines 10 through 14 and insert the following:

“(ii) **MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN.**—The combined amount of a grant and loan made or guaranteed under subsection (a) for a renewable energy system shall not exceed 60 percent of the cost of the renewable energy system.

On page 899, line 8, strike “15” and insert “25”.

On page 899, strike lines 11 through 15 and insert the following:

“(ii) **MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN.**—The combined amount of a grant and loan made or guaranteed under subsection (a) for an energy efficiency project shall not exceed 50 percent of the cost of the energy efficiency improvement.

On page 901, strike line 17 and insert the following:

“(a) **FINDINGS.**—Congress finds that—

“(1) fuel cells are a highly efficient, clean, and flexible technology for generating electricity from hydrogen that promises to improve the environment, electricity reliability, and energy security;

“(2)(A) because fuel cells can be made in any size, fuel cells can be used for a wide variety of farm applications, including powering farm vehicles, equipment, houses, and other operations; and

“(B) much of the initial use of fuel cells is likely to be in remote and off-grid applications in rural areas; and

“(3) hydrogen is a clean and flexible fuel that can play a critical role in storing and transporting energy produced on farms from renewable sources (including biomass, wind, and solar energy).

“(b) **GRANT PROGRAM.**—The Secretary of Agriculture, in

On page 902, strike line 5 and insert the following:

“(c) **ELIGIBLE ENTITIES.**—Under subsection (b), the

On page 902, line 12, strike “research”.

On page 902, line 15, strike “or”.

On page 902, line 16, strike the period and insert “; or”.

On page 902, between lines 16 and 17, insert the following:

“(7) a consortium comprised of entities described in paragraphs (1) through (6).”

On page 902, line 17, strike “(c)” and insert “(d)”.

On page 902, line 19, strike “(a)(1),” and insert “(b)(1),”.

On page 902, strike line 23 and insert the following:

“(3) generate both usable electricity and heat;

On page 903, line 5, strike “(d)” and insert “(e)”.

On page 903, line 7, strike “(a)” and insert “(b)”.

On page 903, line 9, strike “(e)” and insert “(f)”.

In Amendment No. 2471 (FLO01.633), on page 8, strike lines 21 through 24 and insert the following:

“(A) a college or university or a research foundation maintained by a college or university;

In Amendment No. 2471 (FLO01.633), on page 5, line 11, strike “leakage and performance” and insert “leakage, performance, and permanence”

In Amendment No. 2471 (FLO01.633), on page 10, line 5, strike “and establish”.

In Amendment No. 2471 (FLO01.633), on page 10, strike line 15 and insert the following:

“(2) DEVELOPMENT OF BENCHMARK STANDARDS.—

“(A) IN GENERAL.—The Secretary shall develop benchmark standards for measuring the carbon content of soils and plants (including trees) based on—

“(i) information from the conference under paragraph (1);

“(ii) research conducted under this section; and

“(iii) other information available to the Secretary.

“(B) OPPORTUNITY FOR PUBLIC COMMENT.—The Secretary shall provide an opportunity for the public to comment on the benchmark standards developed under subparagraph (A).

“(3) REPORT.—Not later than 180 days after In Amendment No. 2471 (FLO01.633), on page 13, line 22, strike “emission” and insert “emissions”.

In Amendment No. 2471 (FLO01.633), on page 14, lines 9 and 10, strike “farmers and ranchers.” and insert “farmers, ranchers, private forest landowners, and State agencies.”.

In Amendment No. 2471 (FLO01.633), on page 14, beginning on line 16, strike “farmers and ranchers” and all that follows through line 18 and insert “farmers, ranchers, private forest landowners, and State agencies may better understand the global implications of the activities of the farmers, ranchers, private forest landowners, and State agencies.”.

In Amendment No. 2471 (FLO01.633), on page 15, strike lines 12 through 23 and insert the following:

**“SEC. 310. FUNDING.**

“(a) TRANSFERS BY THE SECRETARY OF THE TREASURY.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this subsection, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this title \$15,000,000, to remain available until expended.

“(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation.

“(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts transferred under subsection (a), there are authorized to be appropriated to carry out this title \$49,000,000 for each of fiscal years 2002 through 2006.”.

In Amendment No. 2471 (FLO01.633), on page 16, line 6, strike “(as amended by section 661)”.

In Amendment No. 2471 (FLO01.633), on page 16, line 8, strike “21” and insert “20”.

In Amendment No. 2471 (FLO01.633), on page 16, strike lines 10 through 13 and insert the following:

“(a) DEFINITIONS.—In this section:

“(1) RENEWABLE ENERGY.—The term ‘renewable energy’ means energy derived from a wind, solar, biomass, geothermal, or hydrogeologic source.

“(2) RURAL AREA.—The term ‘rural area’ includes any area that is not within the boundaries of—

“(A) a city, town, village, or borough having a population of more than 20,000; or

“(B) an urbanized area (as determined by the Secretary).

In Amendment No. 2471 (FLO01.633), on page 16, line 17, after “utilities”, insert the following: “(as determined by the Secretary)”.

In Amendment No. 2471 (FLO01.633), on page 20, line 12, insert “(as amended by section 7\_\_\_\_)” after “7261 et seq.”.

In Amendment No. 2471 (FLO01.633), on page 20, line 14, strike “409” and insert “412”.

In Amendment No. 2471 (FLO01.633), beginning on page 23, strike line 23 and all that follows through page 25, line 10, and insert the following:

“(B) ELIGIBILITY CRITERIA.—To be eligible for a grant under paragraph (1), a project shall (as determined by the Secretary)—

“(i) be designed to—

“(I) achieve long-term sequestration of carbon or long-term reductions in greenhouse gas emissions;

“(II) address concerns regarding leakage and permanence; or

“(III) promote additionality; and

“(ii) not involve—

“(I) the reforestation of land that has been deforested since 1990; or

“(II) the conversion of native grassland.

“(C) PRIORITY CRITERIA.—The Secretary shall give priority in awarding a grant under paragraph (1) to an eligible project that—

“(i) involves multiple parties, a whole farm approach, or any other approach, such as the aggregation of land areas, that would—

“(I) increase the environmental benefits or reduce the transaction costs of the eligible project; and

“(II) reduce the costs of measuring, monitoring, and verifying any net sequestration of carbon or net reduction in greenhouse gas emissions; and

“(ii) provides certain benefits, such as improvements in—

“(I) soil fertility;

“(II) wildlife habitat;

“(III) water quality;

“(IV) soil erosion management;

“(V) the use of renewable resources to produce energy;

“(VI) the avoidance of ecosystem fragmentation; and

“(VII) the promotion of ecosystem restoration with native species.

In Amendment No. 2471 (FLO01.633), on page 26, strike lines 8 through 21.

In Amendment No. 2471 (FLO01.633), on page 26, line 22, strike “(d)” and insert “(c)”

In Amendment No. 2471 (FLO01.633), on page 27, line 6, strike “(e)” and insert “(d)”.

On page 930, strike lines 8 through 10 and insert the following:

**“Subtitle D—Country of Origin Labeling**

**“SEC. 281. DEFINITIONS.**

On page 930, between lines 21 and 22, insert the following:

“(iv) wild fish;

On page 930, line 22, strike “(iv)” and insert “(v)”.

On page 930, line 24, strike “(v)” and insert “(vi)”.

On page 932, between lines 5 and 6, insert the following:

“(9) WILD FISH.—

“(A) IN GENERAL.—The term ‘wild fish’ means naturally-born or hatchery-raised fish and shellfish harvested in the wild.

“(B) INCLUSIONS.—The term ‘wild fish’ includes a fillet, steak, nugget, and any other flesh from wild fish or shellfish.

“(C) EXCLUSIONS.—The term ‘wild fish’ excludes net-pen aquacultural or other farm-raised fish.

On page 932, line 6, strike “272” and insert “282”.

On page 932, line 20, strike “and” at the end.

On page 932, line 23, strike “and” at the end.

On page 932, after line 23, add the following:

“(C) in the case of wild fish, is—

“(i) harvested in waters of the United States, a territory of the United States, or a State; and

“(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof; and

On page 933, line 1, strike “(C)” and insert “(D)”.

On page 933, between lines 3 and 4, insert the following:

“(3) WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

On page 934, line 6, strike “274” and insert “284”.

On page 935, line 12, strike “273” and insert “283”.

On page 935, line 16, strike “272” and insert “282”.

On page 935, line 23, strike “272” and insert “282”.

On page 936, line 1, strike “272” and insert “282”.

On page 936, line 6, strike “274” and insert “284”.

On page 936, line 14, strike “275” and insert “285”.

On page 937, strike lines 1 through 3 and insert the following:

**“Subtitle E—Commodity-Specific Grading Standards**

**“SEC. 291. DEFINITION OF SECRETARY.**

On page 937, line 6, strike “282” and insert “292”.

On page 937, line 12, strike “283” and insert “293”.

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

**SEC. 10 . . . EQUAL CROP INSURANCE TREATMENT OF POTATOES AND SWEET POTATOES.**

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended in the first sentence by striking “and potatoes” and inserting “, potatoes, and sweet potatoes”.

On page 941, between lines 4 and 5, insert the following:

**Subtitle C—Animal Health Protection**

**SEC. 1021. SHORT TITLE.**

This subtitle may be cited as the “Animal Health Protection Act”.

**SEC. 1022. FINDINGS.**

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

(A) animal health;

(B) the health and welfare of the people of the United States;

(C) the economic interests of the livestock and related industries of the United States;

(D) the environment of the United States; and

(E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this subtitle;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this subtitle are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

- (i) to prevent and eliminate burdens on interstate commerce and foreign commerce;
- (ii) to regulate effectively interstate commerce and foreign commerce; and
- (iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

#### SEC. 1023. DEFINITIONS.

In this subtitle:

(1) ANIMAL.—The term “animal” means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term “article” means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term “disease” means—

(A) any infectious or noninfectious disease or condition affecting the health of livestock; or

(B) any condition detrimental to production of livestock.

(4) ENTER.—The term “enter” means to move into the commerce of the United States.

(5) EXPORT.—The term “export” means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) FACILITY.—The term “facility” means any structure.

(7) IMPORT.—The term “import” means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) INTERSTATE COMMERCE.—The term “interstate commerce” means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) LIVESTOCK.—The term “livestock” means all farm-raised animals.

(11) MEANS OF CONVEYANCE.—The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

(12) MOVE.—The term “move” means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) PEST.—The term “pest” means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) An animal.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(15) STATE.—The term “State” means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) THIS SUBTITLE.—EXCEPT when used in this section, the term “this subtitle” includes any regulation or order issued by the Secretary under the authority of this subtitle.

(17) UNITED STATES.—The term “United States” means all of the States.

#### SEC. 1024. RESTRICTION ON IMPORTATION OR ENTRY.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) REGULATIONS.—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) DESTRUCTION OR REMOVAL.—

(1) IN GENERAL.—The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this subtitle; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) REQUIREMENTS OF OWNERS.—

(A) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and

(iii) any article used in the importation of an animal.

(B) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the

Secretary under this section, the Secretary may—

(i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

#### SEC. 1025. EXPORTATION.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) REQUIREMENTS OF OWNERS.—

(1) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) CERTIFICATION.—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

#### SEC. 1026. INTERSTATE MOVEMENT.

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

#### SEC. 1027. SEIZURE, QUARANTINE, AND DISPOSAL.

(a) IN GENERAL.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this subtitle;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this subtitle;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this subtitle; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this subtitle.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

(2) STATE ACTION.—

(A) IN GENERAL.—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

“(i) the Governor or an appropriate animal health official of the State; or

“(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

(B) NOTICE.—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

(C) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(c) QUARANTINE, DISPOSAL, OR OTHER REMEDIAL ACTION.—

(1) IN GENERAL.—The Secretary, in writing, may order the owner of any animal, article,

facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) FAILURE TO COMPLY WITH ORDERS.—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) LIMITATION.—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) REVIEWABILITY OF DETERMINATION.—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review.

(3) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this subtitle;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this subtitle;

(C) any animal, article, or means of conveyance that is refused entry under this subtitle; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this subtitle by the owner.

**SEC. 1028. INSPECTIONS, SEIZURES, AND WARRANTS.**

(a) GUIDELINES.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this subtitle;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this subtitle; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under

section 1027(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 1027(b).

(c) INSPECTIONS WITH WARRANTS.—

(1) IN GENERAL.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this subtitle.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this subtitle, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this subtitle.

(B) EXECUTION.—The warrant may be applied for and executed by the Secretary or any United States marshal.

**SEC. 1029. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.**

(a) IN GENERAL.—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

(b) COMPENSATION.—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this subtitle.

**SEC. 1030. VETERINARY ACCREDITATION PROGRAM.**

(a) IN GENERAL.—The Secretary may establish a veterinary accreditation program that is consistent with this subtitle, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

**SEC. 1031. COOPERATION.**

(a) IN GENERAL.—To carry out this subtitle, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) RESPONSIBILITY.—The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) SCREWORMS.—

(1) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROCEEDS.—

(A) INDEPENDENT PRODUCTION AND SALE.—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

(i) deposited into the Treasury of the United States; and

(ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) ACCOUNT.—The United States portion of the proceeds shall be—

(I) deposited into the Treasury of the United States; and

(II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) CONSULTATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary shall consult with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) LEAD AGENCY.—The Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

**SEC. 1032. REIMBURSABLE AGREEMENTS.**

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section; and

(2) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this subtitle relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(d) LATE PAYMENT PENALTIES.—

(1) COLLECTION.—On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31, United States Code.

(2) USE OF FUNDS.—Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

**SEC. 1033. ADMINISTRATION AND CLAIMS.**

(a) ADMINISTRATION.—To carry out this subtitle, the Secretary may—

(1) acquire and maintain real or personal property;

(2) employ a person;

(3) make a grant; and

(4) notwithstanding chapter 63 of title 31, United States Code, enter into a contract, cooperative agreement, memorandum of understanding, or other agreement.

(b) TORT CLAIMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this subtitle.

(2) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary not later than 2 years after the date on which the claim arises.

**SEC. 1034. PENALTIES.**

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this subtitle, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this subtitle shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this subtitle, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this subtitle may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A)(i) \$50,000 in the case of any individual, except that the civil penalty may not exceed \$1,000 in the case of an initial violation of this subtitle by an individual moving regulated articles not for monetary gain;

(ii) \$250,000 in the case of any other person for each violation; and

(iii) \$500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this subtitle that results in the person's deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) the ability to pay;

(B) the effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) such other factors as the Secretary considers to be appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—

(A) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) REVIEW.—The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) INTEREST.—Any civil penalty not paid in full when due under an order assessing the

civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) SUSPENSION OR REVOCATION OF ACCREDITATION.—

(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this subtitle that violates this subtitle.

(2) FINAL ORDER.—The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(3) SUMMARY SUSPENSION.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(B) HEARINGS.—The Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this subtitle, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be deemed also to be the act, omission, or failure of the other person.

(e) GUIDELINES FOR CIVIL PENALTIES.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this subtitle.

**SEC. 1035. ENFORCEMENT.**

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may gather and compile information and conduct any inspection or investigation that the Secretary considers to be necessary for the administration or enforcement of this subtitle.

(2) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to issue a subpoena to compel the attendance and testimony of any witness and the production of any documentary evidence relating to the administration or enforcement of this subtitle or any matter under investigation in connection with this subtitle.

(B) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.

(C) ENFORCEMENT.—

(i) IN GENERAL.—In case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, to require the attendance and testimony of any witness and the production of documentary evidence.

(ii) NONCOMPLIANCE.—In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

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

(D) COMPENSATION.—

(i) WITNESSES.—A witness summoned by the Secretary under this subtitle shall be

paid the same fees and mileage that are paid to a witness in a court of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) PUBLICATION.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(ii) REVIEW.—The procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and, to be effective, be signed by the Secretary.

(iii) DELEGATION.—If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review of the subpoena for legal sufficiency outside that agency.

(b) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this subtitle that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this subtitle, or to enjoin any interference by any person with the Secretary in carrying out this subtitle, in any case in which the Secretary has reason to believe that the person has violated, or is about to violate this subtitle or has interfered, or is about to interfere, with the actions of the Secretary; or

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this subtitle.

(c) COURT JURISDICTION.—

(1) IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Northern Mariana Islands, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions are vested with jurisdiction in all cases arising under this subtitle.

(2) VENUE.—Any action arising under this subtitle may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) EXCEPTION.—Paragraphs (1) and (2) do not apply to subsections (b) and (c) of section 1034.

#### SEC. 1036. REGULATIONS AND ORDERS.

The Secretary may promulgate such regulations, and issue such orders, as the Secretary determines necessary to carry out this subtitle.

#### SEC. 1037. AUTHORIZATION OF APPROPRIATIONS.

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

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available

until expended, without fiscal year limitation.

(c) USE OF FUNDS.—In carrying out this subtitle, the Secretary may use funds made available to carry out this subtitle for—

(1) printing and binding, without regard to section 501 of title 44, United States Code;

(2) the employment of civilian nationals in foreign countries; and

(3) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

#### SEC. 1038. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of law are repealed:

(1) Public Law 97-46 (7 U.S.C. 147b).

(2) Section 101(b) of the Act of September 21, 1944 (7 U.S.C. 429).

(3) The Act of August 28, 1950 (7 U.S.C. 2260).

(4) Section 919 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2260a).

(5) Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306).

(6) Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 102 through 105).

(7) The Act of February 2, 1903 (21 U.S.C. 111, 120 through 122).

(8) Sections 2 through 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a, 114a-1, 115 through 120, 130).

(9) The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114d-1).

(10) The Act of June 16, 1948 (21 U.S.C. 114e, 114f).

(11) Public Law 87-209 (21 U.S.C. 114g, 114h).

(12) Section 2506 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114i).

(13) The third and fourth provisos of the fourth paragraph under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act of May 31, 1920 (21 U.S.C. 116).

(14) The first section and sections 2, 3, 4, and 6 of the Act of March 3, 1905 (21 U.S.C. 123 through 127).

(15) The first proviso under the heading "GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY" under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act of June 30, 1914 (21 U.S.C. 128).

(16) The fourth proviso under the heading "SALARIES AND EXPENSES" under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" of title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (21 U.S.C. 129).

(17) The third paragraph under the heading "MISCELLANEOUS" of the Act of May 26, 1910 (21 U.S.C. 131).

(18) The first section and sections 2 through 6 and 11 through 13 of Public Law 87-518 (21 U.S.C. 134 through 134h).

(19) Public Law 91-239 (21 U.S.C. 135 through 135b).

(20) Sections 12 through 14 of the Federal Meat Inspection Act (21 U.S.C. 612 through 614).

(21) Chapter 39 of title 46, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—

(A) in paragraph (1), by striking ", or the owner's agent,"; and

(B) in paragraph (2), by striking "or agent of the owner" each place it appears.

(2) Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(A) by striking subsection (b) and inserting the following:

"(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of

documentary evidence relevant to the inquiry may be required from any place in the United States.";

(B) in the third sentence of subsection (e), by inserting "to an agency other than the Office of Administrative Law Judges" after "is delegated"; and

(C) by striking subsection (f).

(3) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1540(h)) is amended in the first sentence by striking "animal quarantine laws (21 U.S.C. 101-105, 111-135b, and 612-614)" and inserting "animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(f))".

(4) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking "of the cattle" and all that follows through "as herein described" and inserting "of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines".

(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (c), by inserting after paragraph (1) the following:

"(2) VETERINARY DIAGNOSTICS.—The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act that relate to veterinary diagnostics."; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

"(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);

"(C) the Animal Health Protection Act; or

"(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.".

(c) EFFECT ON REGULATIONS.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 1036 that supersedes the earlier regulation.

In Amendment No. 2534 (FLO01.579), on page 1, strike line 2 and insert the following:

#### Subtitle D—General Provisions

#### SEC. 10 . FEES FOR PESTICIDES.

(a) MAINTENANCE FEE.—

(1) AMOUNTS FOR REGISTRANTS.—Section 4(i)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)) is amended—

(A) in subparagraph (A), by striking "each year" and all that follows and inserting "each year \$2,300 for each registration";

(B) in subparagraph (D)—

(i) in clause (i), by striking "\$55,000" and inserting "\$70,000"; and

(ii) in clause (ii), by striking "\$95,000" and inserting "\$120,000"; and

(C) in subparagraph (E)(i)—

(i) in subclause (I) by striking "\$38,500" and inserting "\$46,000"; and

(ii) in subclause (II), by striking "\$66,500" and inserting "\$80,000".

(2) TOTAL AMOUNT OF FEES.—Section 4(i)(5)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)(C)) is amended—

(A) by striking "(C)(i) The" and inserting the following:

"(C) TOTAL AMOUNT OF FEES.—The";

(B) by striking "\$14,000,000 each fiscal year" and inserting "\$20,000,000 for the period beginning on January 1, 2002, and ending on February 28, 2002"; and

(C) by striking clause (ii).

(3) DEFINITION OF SMALL BUSINESS.—Section 4(i)(5)(E)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)(E)(ii)) is amended—

(A) in subclause (I), by striking "150" and inserting "500"; and

(B) in subclause (II), by striking “gross revenue from chemicals that did not exceed \$40,000,000” and inserting “global gross revenue from pesticides that did not exceed \$60,000,000”.

(4) PERIOD OF EFFECTIVENESS.—Section 4(i)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)) is amended by striking subparagraph (H) and inserting the following:

“(H) PERIOD OF EFFECTIVENESS.—This paragraph shall be in effect during the period beginning on January 1, 2002, and ending on February 28, 2002.”.

(b) OTHER FEES.—Section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(6)) is amended by striking “the date of the enactment of this section and ending on September 30, 2001” and inserting “January 1, 2002, and ending on February 28, 2002”.

(c) EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(k)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(k)(3)) is amended—

(1) in the paragraph heading, by striking “EXPEDITED” and inserting “REVIEW OF INERT INGREDIENTS; EXPEDITED”; and

(2) in subparagraph (A)—

(A) by striking “each of the” and all that follows through “such fiscal year” and inserting “the period beginning on January 1, 2002, and ending on February 28, 2002, 1/7 of the maintenance fees collected during the period”;

(B) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and adjusting the margins appropriately; and

(C) by striking “assure the expedited processing and review of any applicant that” and inserting the following:

“(i) review and evaluate inert ingredients; and

“(ii) ensure the expedited processing and review of any application that—”.

(d) PESTICIDE TOLERANCE PROCESSING FEES.—Section 408(m)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(1)) is amended—

(1) by striking “The Administrator” and inserting the following:

“(A) IN GENERAL.—The Administrator”;

(2) by striking “Under the regulations” and inserting the following:

“(B) INCLUSIONS.—Under the regulations”;

(3) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively, and adjusting the margins appropriately;

(4) by striking “The regulations may” and inserting the following:

“(C) WAIVER; REFUND.—The regulations may”;

(5) by adding at the end the following:

“(D) ANNUAL ADJUSTMENT OF FEES.—The Administrator may annually promulgate regulations to implement changes in the amounts in the schedule of pesticide tolerance processing fees in effect on the date of enactment of this subparagraph by the same percentage as the annual adjustment to the Federal General Schedule pay scale under section 5303 of title 5, United States Code.

“(E) PERIOD OF EFFECTIVENESS.—This paragraph shall be in effect during the period beginning on January 1, 2002, and ending on February 28, 2002.”.

#### SEC. 10. PEST MANAGEMENT IN SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the “School Environment Protection Act of 2002”.

(b) PEST MANAGEMENT.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35, respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w-7) the following:

#### “SEC. 33. PEST MANAGEMENT IN SCHOOLS.

“(a) DEFINITIONS.—In this section:

“(1) BAIT.—The term ‘bait’ means a pesticide that contains an ingredient that serves as a feeding stimulant, odor, pheromone, or other attractant for a target pest.

“(2) CONTACT PERSON.—The term ‘contact person’ means an individual who is—

“(A) knowledgeable about school pest management plans; and

“(B) designated by a local educational agency to carry out implementation of the school pest management plan of a school.

“(3) EMERGENCY.—The term ‘emergency’ means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

“(4) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 3 of the Elementary and Secondary Education Act of 1965.

“(5) SCHOOL.—

“(A) IN GENERAL.—The term ‘school’ means a public—

“(i) elementary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);

“(ii) secondary school (as defined in section 3 of that Act);

“(iii) kindergarten or nursery school that is part of an elementary school or secondary school; or

“(iv) tribally-funded school.

“(B) INCLUSIONS.—The term ‘school’ includes any school building, and any area outside of a school building (including a lawn, playground, sports field, and any other property or facility), that is controlled, managed, or owned by the school or school district.

“(6) SCHOOL PEST MANAGEMENT PLAN.—The term ‘school pest management plan’ means a pest management plan developed under subsection (b).

“(7) STAFF MEMBER.—

“(A) IN GENERAL.—The term ‘staff member’ means a person employed at a school or local educational agency.

“(B) EXCLUSIONS.—The term ‘staff member’ does not include—

“(i) a person hired by a school, local educational agency, or State to apply a pesticide; or

“(ii) a person assisting in the application of a pesticide.

“(8) STATE AGENCY.—The term ‘State agency’ means the an agency of a State, or an agency of an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), that exercises primary jurisdiction over matters relating to pesticide regulation.

“(9) UNIVERSAL NOTIFICATION.—The term ‘universal notification’ means notice provided by a local educational agency or school to—

“(A) parents, legal guardians, or other persons with legal standing as parents of each child attending the school; and

“(B) staff members of the school.

“(b) SCHOOL PEST MANAGEMENT PLANS.—

“(1) STATE PLANS.—

“(A) GUIDANCE.—As soon as practicable (but not later than 180 days) after the date of enactment of the School Environment Protection Act of 2002, the Administrator shall develop, in accordance with this section—

“(i) guidance for a school pest management plan; and

“(ii) a sample school pest management plan.

“(B) PLAN.—As soon as practicable (but not later than 1 year) after the date of enact-

ment of the School Environment Protection Act of 2002, each State agency shall develop and submit to the Administrator for approval, as part of the State cooperative agreement under section 23, a school pest management plan for local educational agencies in the State.

“(C) COMPONENTS.—A school pest management plan developed under subparagraph (B) shall, at a minimum—

“(i) implement a system that—

“(I) eliminates or mitigates health risks, or economic or aesthetic damage, caused by pests;

“(II) employs—

“(aa) integrated methods;

“(bb) site or pest inspection;

“(cc) pest population monitoring; and

“(dd) an evaluation of the need for pest management; and

“(III) is developed taking into consideration pest management alternatives (including sanitation, structural repair, and mechanical, biological, cultural, and pesticide strategies) that minimize health and environmental risks;

“(ii) require, for pesticide applications at the school, universal notification to be provided—

“(I) at the beginning of the school year;

“(II) at the midpoint of the school year; and

“(III) at the beginning of any summer session, as determined by the school;

“(iii) establish a registry of staff members of a school, and of parents, legal guardians, or other persons with legal standing as parents of each child attending the school, that have requested to be notified in advance of any pesticide application at the school;

“(iv) establish guidelines that are consistent with the definition of a school pest management plan under subsection (a);

“(v) require that each local educational agency use a certified applicator or a person authorized by the State agency to implement the school pest management plans;

“(vi) be consistent with the State cooperative agreement under section 23; and

“(vii) require the posting of signs in accordance with paragraph (4)(G).

“(D) APPROVAL BY ADMINISTRATOR.—Not later than 90 days after receiving a school pest management plan submitted by a State agency under subparagraph (B), the Administrator shall—

“(i) determine whether the school pest management plan, at a minimum, meets the requirements of subparagraph (C); and

“(ii) if the Administrator determines that the school pest management plan meets the requirements, approve the school pest management plan as part of the State cooperative agreement; or

“(II) if the Administrator determines that the school pest management plan does not meet the requirements—

“(aa) disapprove the school pest management plan;

“(bb) provide the State agency with recommendations for and assistance in revising the school pest management plan to meet the requirements; and

“(cc) provide a 90-day deadline by which the State agency shall resubmit the revised school pest management plan to obtain approval of the plan, in accordance with the State cooperative agreement.

“(E) DISTRIBUTION OF STATE PLAN TO SCHOOLS.—On approval of the school pest management plan of a State agency, the State agency shall make the school pest management plan available to each local educational agency in the State.

“(F) EXCEPTION FOR EXISTING STATE PLANS.—If, on the date of enactment of the School Environment Protection Act of 2002,

a State has implemented a school pest management plan that, at a minimum, meets the requirements under subparagraph (C) (as determined by the Administrator), the State agency may maintain the school pest management plan and shall not be required to develop a new school pest management plan under subparagraph (B).

“(2) IMPLEMENTATION BY LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—Not later than 1 year after the date on which a local educational agency receives a copy of a school pest management plan of a State agency under paragraph (1)(E), the local educational agency shall develop and implement in each of the schools under the jurisdiction of the local educational agency a school pest management plan that meets the standards and requirements under the school pest management plan of the State agency, as determined by the Administrator.

“(B) EXCEPTION FOR EXISTING PLANS.—If, on the date of enactment of the School Environment Protection Act of 2002, a State maintains a school pest management plan that, at a minimum, meets the standards and criteria established under this section (as determined by the Administrator), and a local educational agency in the State has implemented the State school pest management plan, the local educational agency may maintain the school pest management plan and shall not be required to develop and implement a new school pest management plan under subparagraph (A).

“(C) APPLICATION OF PESTICIDES AT SCHOOLS.—A school pest management plan shall prohibit—

“(i) the application of a pesticide (other than a pesticide, including a bait, gel or paste, described in paragraph (4)(C)) to any area or room at a school while the area or room is occupied or in use by students or staff members (except students or staff members participating in regular or vocational agricultural instruction involving the use of pesticides); and

“(ii) the use by students or staff members of an area or room treated with a pesticide by broadcast spraying, baseboard spraying, tenting, or fogging during—

“(I) the period specified on the label of the pesticide during which a treated area or room should remain unoccupied; or

“(II) if there is no period specified on the label, the 24-hour period beginning at the end of the treatment.

“(3) CONTACT PERSON.—

“(A) IN GENERAL.—Each local educational agency shall designate a contact person to carry out a school pest management plan in schools under the jurisdiction of the local educational agency.

“(B) DUTIES.—The contact person of a local educational agency shall—

“(i) maintain information about the scheduling of pesticide applications in each school under the jurisdiction of the local educational agency;

“(ii) act as a contact for inquiries, and disseminate information requested by parents or guardians, about the school pest management plan;

“(iii) maintain and make available to parents, legal guardians, or other persons with legal standing as parents of each child attending the school, before and during the notice period and after application—

“(I) copies of material safety data sheet for pesticides applied at the school, or copies of material safety data sheets for end-use dilutions of pesticides applied at the school, if data sheets are available;

“(II) labels and fact sheets approved by the Administrator for all pesticides that may be used by the local educational agency; and

“(III) any final official information related to the pesticide, as provided to the local educational agency by the State agency; and

“(iv) for each school, maintain all pesticide use data for each pesticide used at the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A))) for at least 3 years after the date on which the pesticide is applied; and

“(v) make that data available for inspection on request by any person.

“(4) NOTIFICATION.—

“(A) UNIVERSAL NOTIFICATION.—At the beginning of each school year, at the midpoint of each school year, and at the beginning of any summer session (as determined by the school), a local educational agency or school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

“(i) a summary of the requirements and procedures under the school pest management plan;

“(ii) a description of any potential pest problems that the school may experience (including a description of the procedures that may be used to address those problems);

“(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

“(iv) the following statement (including information to be supplied by the school as indicated in brackets):

“As part of a school pest management plan, \_\_\_\_\_ (insert school name) may use pesticides to control pests. The Environmental Protection Agency (EPA) and \_\_\_\_\_ (insert name of State agency exercising jurisdiction over pesticide registration and use) registers pesticides for that use. EPA continues to examine registered pesticides to determine that use of the pesticides in accordance with instructions printed on the label does not pose unreasonable risks to human health and the environment. Nevertheless, EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided. Based in part on recommendations of a 1993 study by the National Academy of Sciences that reviewed registered pesticides and their potential to cause unreasonable adverse effects on human health, particularly on the health of pregnant women, infants, and children, Congress enacted the Food Quality Protection Act of 1996. That law requires EPA to reevaluate all registered pesticides and new pesticides to measure their safety, taking into account the unique exposures and sensitivity that pregnant women, infants, and children may have to pesticides. EPA review under that law is ongoing. You may request to be notified at least 24 hours in advance of pesticide applications to be made and receive information about the applications by registering with the school. Certain pesticides used by the school (including baits, pastes, and gels) are exempt from notification requirements. If you would like more information concerning any pesticide application or any product used at the school, contact \_\_\_\_\_ (insert name and phone number of contact person).”

“(B) NOTIFICATION TO PERSONS ON REGISTRY.—

“(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (5)—

“(I) notice of an upcoming pesticide application at a school shall be provided to each person on the registry of the school not later than 24 hours before the end of the last business day during which the school is in session that precedes the day on which the application is to be made; and

“(II) the application of a pesticide for which a notice is given under subclause (I) shall not commence before the end of the business day.

“(ii) NOTIFICATION CONCERNING PESTICIDES USED IN CURRICULA.—If pesticides are used as part of a regular vocational agricultural curriculum of the school, a notice containing the information described in subclauses (I), (IV), (VI), and (VII) of clause (iii) for all pesticides that may be used as a part of that curriculum shall be provided to persons on the registry only once at the beginning of each academic term of the school.

“(iii) CONTENTS OF NOTICE.—A notice under clause (i) shall contain—

“(I) the trade name, common name (if applicable), and Environmental Protection Agency registration number of each pesticide to be applied;

“(II) a description of each location at the school at which a pesticide is to be applied;

“(III) a description of the date and time of application, except that, in the case of an outdoor pesticide application, a notice shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled;

“(IV) information that the State agency shall provide to the local educational agency, including a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied based on—

“(aa) a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied, as stated on the label of the pesticide approved by the Administrator;

“(bb) information derived from the material safety data sheet for the end-use dilution of the pesticide to be applied (if available) or the material safety data sheets; and

“(cc) final, official information related to the pesticide prepared by the Administrator and provided to the local educational agency by the State agency;

“(V) a description of the purpose of the application of the pesticide;

“(VI) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

“(VII) the statement described in subparagraph (A)(iv) (other than the ninth sentence of that statement).

“(C) NOTIFICATION AND POSTING EXEMPTION.—A notice or posting of a sign under subparagraph (A), (B), or (G) shall not be required for the application at a school of—

“(i) an antimicrobial pesticide;

“(ii) a bait, gel, or paste that is placed—

“(I) out of reach of children or in an area that is not accessible to children; or

“(II) in a tamper-resistant or child-resistant container or station; and

“(iii) any pesticide that, as of the date of enactment of the School Environment Protection Act of 2002, is exempt from the requirements of this Act under section 25(b) (including regulations promulgated at section 152 of title 40, Code of Federal Regulations (or any successor regulation)).

“(D) NEW STAFF MEMBERS AND STUDENTS.—After the beginning of each school year, a local educational agency or school within a local educational agency shall provide each notice required under subparagraph (A) to—

“(i) each new staff member who is employed during the school year; and

“(ii) the parent or guardian of each new student enrolled during the school year.

“(E) METHOD OF NOTIFICATION.—A local educational agency or school may provide a notice under this subsection, using information described in paragraph (4), in the form of—

“(i) a written notice sent home with the students and provided to staff members;

“(ii) a telephone call;

“(iii) direct contact;

“(iv) a written notice mailed at least 1 week before the application; or

“(v) a notice delivered electronically (such as through electronic mail or facsimile).

“(F) REISSUANCE.—If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall issue a notice containing only the new date and location of application.

“(G) POSTING OF SIGNS.—

“(i) IN GENERAL.—Except as provided in paragraph (5)—

“(I) a school shall post a sign not later than the last business day during which school is in session preceding the date of application of a pesticide at the school; and

“(II) the application for which a sign is posted under subclause (I) shall not commence before the time that is 24 hours after the end of the business day on which the sign is posted.

“(ii) LOCATION.—A sign shall be posted under clause (i)—

“(I) at a central location noticeable to individuals entering the building; and

“(II) at the proposed site of application.

“(iii) ADMINISTRATION.—A sign required to be posted under clause (i) shall—

“(I) remain posted for at least 24 hours after the end of the application;

“(II) be—

“(aa) at least 8½ inches by 11 inches for signs posted inside the school; and

“(bb) at least 4 inches by 5 inches for signs posted outside the school; and

“(III) contain—

“(aa) information about the pest problem for which the application is necessary;

“(bb) the name of each pesticide to be used;

“(cc) the date of application;

“(dd) the name and telephone number of the designated contact person; and

“(ee) the statement contained in subparagraph (A)(iv).

“(iv) OUTDOOR PESTICIDE APPLICATIONS.—

“(I) IN GENERAL.—In the case of an outdoor pesticide application at a school, each sign shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled.

“(II) DURATION OF POSTING.—A sign described in subclause (I) shall be posted after an outdoor pesticide application in accordance with clauses (ii) and (iii).

“(5) EMERGENCIES.—

“(A) IN GENERAL.—A school may apply a pesticide at the school without complying with this part in an emergency, subject to subparagraph (B).

“(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next business day, the school shall provide to each parent or guardian of a student listed on the registry, a staff member listed on the registry, and the designated contact person, notice of the application of the pesticide in an emergency that includes—

“(i) the information required for a notice under paragraph (4)(G); and

“(ii) a description of the problem and the factors that required the application of the pesticide to avoid a threat to the health or safety of a student or staff member.

“(C) METHOD OF NOTIFICATION.—The school may provide the notice required by paragraph (B) by any method of notification described in paragraph (4)(E).

“(D) POSTING OF SIGNS.—Immediately after the application of a pesticide under this

paragraph, a school shall post a sign warning of the pesticide application in accordance with clauses (ii) through (iv) of paragraph (4)(B).

“(c) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS.—Nothing in this section (including regulations promulgated under this section)—

“(1) precludes a State or political subdivision of a State from imposing on local educational agencies and schools any requirement under State or local law (including regulations) that is more stringent than the requirements imposed under this section; or

“(2) establishes any exception under, or affects in any other way, section 24(b).

“(d) EXCLUSION OF CERTAIN PEST MANAGEMENT ACTIVITIES.—Nothing in this section (including regulations promulgated under this section) applies to a pest management activity that is conducted—

“(1) on or adjacent to a school; and

“(2) by, or at the direction of, a State or local agency other than a local educational agency.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”

(c) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the items relating to sections 30 through 32 and inserting the following:

“Sec. 30. Minimum requirements for training of maintenance applicators and service technicians.

“Sec. 31. Environmental Protection Agency minor use program.

“Sec. 32. Department of Agriculture minor use program.

“(a) In general.

“(b)(1) Minor use pesticide data.

“(2) Minor Use Pesticide Data Revolving Fund.

“Sec. 33. Pest management in schools.

“(a) Definitions.

“(1) Bait.

“(2) Contact person.

“(3) Emergency.

“(4) Local educational agency.

“(5) School.

“(6) Staff member.

“(7) State agency.

“(8) Universal notification.

“(b) School pest management plans.

“(1) State plans.

“(2) Implementation by local educational agencies.

“(3) Contact person.

“(4) Notification.

“(5) Emergencies.

“(c) Relationship to State and local requirements.

“(d) Exclusion of certain pest management activities.

“(e) Authorization of appropriations.

“Sec. 34. Severability.

“Sec. 35. Authorization of appropriations.”

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2002.

On page 945, between lines 5 and 6, insert the following:

**SEC. 10 . . . EXPANSION OF STATE MARKETING PROGRAMS.**

(a) STATE MARKETING PROGRAMS.—Section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)) is amended—

(1) by striking “(b) The” and all that follows through “: Provided, That no” and inserting the following:

“(b) STATE MARKETING PROGRAMS.—

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available \$7,000,000 for fiscal year 2003, \$8,000,000 for fiscal year

2004, and \$10,000,000 for each of fiscal years 2005 and 2006 for allotment to State departments of agriculture, State bureaus and departments of markets, State agricultural experiment stations, and other appropriate State agencies for cooperative projects in marketing service and in marketing research to effectuate the purposes of—

“(A) title II of this Act; and

“(B) the Farmer’s Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976.

“(2) SMALL FARMS AND LIMITED RESOURCE FARMERS.—Of the funds made available under paragraph (1), a priority shall be given for initiatives designed to support direct and other marketing efforts of small farms and limited resource farmers.

“(3) STATE FUNDS.—No”;

(2) by striking “The funds which” and inserting the following:

“(4) ADDITIONAL FUNDS.—The funds that”;

(3) by striking “The allotments” and inserting the following:

“(5) RECIPIENT AGENCIES.—The allotments”;

(4) by striking “Such allotments” and inserting the following:

“(6) COOPERATIVE AGREEMENTS.—The allotments”;

(5) by striking “Should duplication” and inserting the following:

“(7) DUPLICATION.—If duplication”.

(b) FARMERS’ MARKET PROMOTION PROGRAM.—

(1) SURVEY.—Section 4 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3003) is amended—

(A) in the first sentence, by striking “a continuing” and inserting “an annual”; and

(B) by striking the second sentence.

(2) DIRECT MARKETING ASSISTANCE.—Section 5 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking “Extension Service of the United States Department of Agriculture” and inserting “Secretary”; and

(ii) in the second sentence—

(I) by striking “Extension Service” and inserting “Secretary”; and

(II) by striking “and on the basis of which of these two agencies, or combination thereof, can best perform these activities” and inserting “, as determined by the Secretary”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) DEVELOPMENT OF FARMERS’ MARKETS.—The Secretary shall—

“(1) work with the Governor of a State, and a State agency designated by the Governor, to develop programs to train managers of farmers’ markets;

“(2) develop opportunities to share information among managers of farmers’ markets;

“(3) establish a program to train cooperative extension service employees in the development of direct marketing techniques; and

“(4) work with producers to develop farmers’ markets.”

(3) FARMERS’ MARKET PROMOTION PROGRAM.—The Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3001 et seq.) is amended by inserting after section 5 the following:

**“SEC. 6. FARMERS’ MARKET PROMOTION PROGRAM.**

“(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the ‘Farmers’ Market Promotion Program’ (referred to in this section as the ‘Program’), to

make grants to eligible entities for projects to establish, expand, and promote farmers' markets.

“(b) PROGRAM PURPOSES.—The purposes of the Program are—

“(1) to increase domestic consumption of agricultural commodities by improving and expanding, or assisting in the improvement and expansion of, domestic farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure; and

“(2) to develop, or aid in the development of, new farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure.

“(c) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under the Program if the entity is—

“(1) an agricultural cooperative;

“(2) a local government;

“(3) a nonprofit corporation;

“(4) a public benefit corporation;

“(5) an economic development corporation;

“(6) a regional farmers' market authority;

or

“(7) such other entity as the Secretary may designate.

“(d) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

“(e) AMOUNT.—

“(1) IN GENERAL.—Under the Program, the amount of a grant to an eligible entity for any 1 project shall be not more than \$500,000 for any 1 fiscal year.

“(2) AVAILABILITY.—The amount of a grant to an eligible entity for a project shall be available until expended or until the date on which the project terminates.

“(f) COST SHARING.—

“(1) IN GENERAL.—The share of the costs of a project covered by a grant awarded under the Program shall not exceed 60 percent.

“(2) GRANTEE SHARE.—

“(A) FORM.—The non-Federal share of the cost of a project carried out under the Program may be paid in the form of cash or the provision of services, materials, or other in-kind contributions.

“(B) LIMITATION.—The value of any real or personal property owned by an eligible entity as of the date on which the eligible entity submits a proposal for a project under the Program shall not be credited toward the grantee share required under this paragraph.

“(g) FUNDING.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2002 through 2006.

“(2) LIMITATION.—Except for funds made available pursuant to section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), no amounts may be made available to carry out this section unless specifically provided by an appropriation Act.”

On page 946, line 18, insert “(a) IN GENERAL.—” before “Section”.

On page 951, between lines 6 and 7, insert the following:

(b) DEFINITION OF SOCIALLY DISADVANTAGED GROUP.—Section 2501(e)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(1)) is amended by striking “racial or ethnic” and inserting “gender, racial, or ethnic”.

#### SEC. 10 . WILD FISH AND WILD SHELLFISH.

Section 2104 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) WILD FISH AND WILD SHELLFISH.—

“(1) IN GENERAL.—Notwithstanding section 2107(a)(1), the Secretary may allow, through regulations promulgated after public notice and opportunity for comment, wild fish or wild shellfish harvested from salt water to be certified or labeled as organic.

“(2) CONSULTATION AND ACCOMMODATION.—In carrying out paragraph (1), the Secretary shall—

“(A) consult with—

“(i) the Secretary of Commerce;

“(ii) the National Organic Standards Board established under section 2119;

“(iii) producers, processors, and sellers; and

“(iv) other interested members of the public; and

“(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild fish and shellfish.”

#### SEC. 10 . ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.

(a) IN GENERAL.—Section 218 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918) is amended by adding at the end the following:

“(f) ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.—

“(1) DEFINITION OF SOCIALLY DISADVANTAGED FARMER OR RANCHER.—In this subsection, the term ‘socially disadvantaged farmer or rancher’ has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

“(2) ESTABLISHMENT OF POSITION.—The Secretary shall establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights.

“(3) APPOINTMENT.—The Assistant Secretary of Agriculture for Civil Rights shall be appointed by the President, by and with the advice and consent of the Senate.

“(4) DUTIES.—The Assistant Secretary of Agriculture for Civil Rights shall—

“(A) enforce and coordinate compliance with all civil rights laws and related laws—

“(i) by the agencies of the Department; and

“(ii) under all programs of the Department (including all programs supported with Department funds);

“(B) ensure that—

“(i) the Department has measurable goals for treating customers and employees fairly and on a nondiscriminatory basis; and

“(ii) the goals and the progress made in meeting the goals are included in—

“(I) strategic plans of the Department; and

“(II) annual reviews of the plans;

“(C) compile and publicly disclose data used in assessing civil rights compliance in achieving on a nondiscriminatory basis participation of socially disadvantaged farmers and ranchers in programs of the Department;

“(D)(i) hold Department agency heads and senior executives accountable for civil rights compliance and performance; and

“(ii) assess performance of Department agency heads and senior executives on the basis of success made in those areas;

“(E) ensure, to the maximum extent practicable—

“(i) a sufficient level of participation by socially disadvantaged farmers and ranchers in deliberations of county and area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

“(ii) that participation data and election results involving the committees are made available to the public; and

“(F) perform such other functions as may be prescribed by the Secretary.”

(b) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Agriculture (2)”

and inserting “Assistant Secretaries of Agriculture (3)”.

(c) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (3), by striking “or” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(5) the authority of the Secretary to establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights under section 218(f).”

On page 951, strike lines 7 through 11 and insert the following:

#### SEC. 10 . TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS; PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.

(a) TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 2501 (7 U.S.C. 2279) the following:

##### “SEC. 2501A. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

“(a) PURPOSE.—The purpose of this section is to ensure compilation and public disclosure of data to assess and hold the Department of Agriculture accountable for the non-discriminatory participation of socially disadvantaged farmers and ranchers in programs of the Department.

“(b) DEFINITION OF SOCIALLY DISADVANTAGED FARMER OR RANCHER.—In this section, the term ‘socially disadvantaged farmer or rancher’ has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

“(c) COMPILATION OF PROGRAM PARTICIPATION DATA.—

“(1) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary shall compute annually the participation rate of socially disadvantaged farmers and ranchers as a percentage of the total participation of all farmers and ranchers for each program of the Department of Agriculture established for farmers or ranchers.

“(2) DETERMINATION OF PARTICIPATION.—In determining the rates under paragraph (1), the Secretary shall consider, for each county and State, the number of socially disadvantaged farmers and ranchers of each race, ethnicity, and gender in proportion to the total number of farmers and ranchers participating in each program.”

(b) PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.—Section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) is amended by striking subparagraph (B) and inserting the following:

On page 958, line 3, strike the closing quotation marks and insert the following:

“(v) PUBLIC AVAILABILITY AND REPORT TO CONGRESS.—

“(I) PUBLIC DISCLOSURE.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, all data required to be collected and computed under section 2501A(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 and clause (iii)(V) collected annually since the most recent Census of Agriculture.

“(II) REPORT TO CONGRESS.—After each Census of Agriculture, the Secretary shall report to Congress the rate of loss or gain in participation by each socially disadvantaged group, by race, ethnicity, and gender, since the previous Census.”

On page 958, between lines 3 and 4, insert the following:

**SEC. 10 . ANIMAL ENTERPRISE TERRORISM.**

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) OFFENSE.—

“(1) IN GENERAL.—It shall be unlawful for a person to—

“(A) travel in interstate or foreign commerce, or use or cause to be used the mail or any facility in interstate or foreign commerce, for the purpose of causing physical disruption to the functioning of an animal enterprise; and

“(B) intentionally damage or cause the loss of any property (including an animal or record) used by the animal enterprise, or conspire to do so.

“(b) PENALTIES.—

“(1) ECONOMIC DAMAGE.—A person that, in the course of a violation of subsection (a), causes economic damage to an animal enterprise in an amount less than \$10,000 shall be imprisoned not more than 6 months, fined under this title, or both.

“(2) MAJOR ECONOMIC DAMAGE.—A person that, in the course of a violation of subsection (a), causes economic damage to an animal enterprise in an amount equal to or greater than \$10,000 shall be imprisoned not more than 3 years, fined under this title, or both.

“(3) SERIOUS BODILY INJURY.—A person that, in the course of a violation of subsection (a), causes serious bodily injury to another individual shall be imprisoned not more than 20 years, fined under this title, or both.

“(4) DEATH.—A person that, in the course of a violation of subsection (a), causes the death of an individual shall be imprisoned for life or for any term of years, fined under this title, or both.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “restitution—” and inserting “restitution for—”;

(B) in paragraph (1)—

(i) by striking “for”; and

(ii) by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(3) any other economic damage resulting from the offense.”.

On page 958, between lines 7 and 8, insert the following:

**SEC. 10 . TRANSPORTATION OF POULTRY AND OTHER ANIMALS.**

Section 5402(d)(2) of title 39, United States Code (as amended by section 651(2) of Public Law 107-67 (115 Stat. 557)), is amended by striking subparagraph (C).

**SEC. 10 . EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.**

Section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended—

(1) in subsection (a), by striking “, not to exceed \$20,000,000 annually.”; and

(2) by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2002 through 2006.”.

On page 961, strike lines 8 through 13 and insert the following:

(a) IN GENERAL.—Of funds of the Commodity Credit Corporation, the Secretary of Agriculture (acting through the Agricultural Marketing Service) shall use \$3,500,000 for fiscal year 2002, \$3,500,000 for each of fiscal years 2003 and 2004, and \$3,000,000 for fiscal

year 2005 to establish a national organic certification cost-share program to assist producers and handlers of agricultural products in obtaining certification.

On page 961, between lines 5 and 6, insert the following:

**SEC. 10 . PRECLEARANCE QUARANTINE INSPECTIONS.**

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 2505 (Public Law 101-624; 104 Stat. 4068) the following:

**“SEC. 2505A. PRECLEARANCE QUARANTINE INSPECTIONS.**

“(a) IN GENERAL.—Subject to subsection (b), the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall conduct, at all direct departure and interline airports in the State of Hawaii, preclearance quarantine inspections of persons, baggage, cargo, and any other articles destined for movement from the State of Hawaii to—

“(1) the continental United States;

“(2) Guam;

“(3) Puerto Rico; or

“(4) the Virgin Islands of the United States.

“(b) LIMITATION.—Subsection (a) shall not be implemented unless appropriations for necessary expenses of the Animal and Plant Health Inspection Service for inspection, quarantine, and regulatory activities are increased by an amount not less than \$3,000,000 in a fiscal year 2002 appropriation Act other than the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107-76).”.

**SEC. 10 . EMERGENCY LOANS FOR SEED PRODUCERS.**

Section 253(b)(5)(B) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 114 Stat. 423) is amended by striking “18 months” and inserting “54 months”.

On page 978, line 11, strike “FELONIES” and insert “MAJOR VIOLATIONS”.

On page 978, line 13, after “person”, insert the following: “that commits a violation of this title described in this subparagraph shall be guilty of a felony and, on conviction,”.

On page 979, line 25, strike “MISDEMEANORS” and insert “OTHER VIOLATIONS”.

On page 980, line 12, after “person”, insert the following: “that commits a violation of this title described in this subparagraph shall be guilty of a misdemeanor and, on conviction,”.

On page 982, line 19, insert “used knowingly” after “or”.

On page 984, after line 2, insert the following:

**SEC. 10 . REVIEW OF STATE MEAT INSPECTION PROGRAMS.**

(a) FINDINGS.—Congress finds that—

(1) the goal of a safe and wholesome supply of meat and meat food products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all meat and meat food products, whether produced under State inspection or Federal inspection;

(2) under such a system, Federal and State meat inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

(3) such a system would ensure the viability of State meat inspection programs, which should help to foster the viability of small establishments.

(b) REVIEW.—Not later than September 30, 2003, the Secretary of Agriculture shall conduct a comprehensive review of each State

meat and poultry inspection program, which shall include—

(1) an analysis of the effectiveness of the State program; and

(2) identification of changes that are necessary to enable the possible future transformation of the State program to a State meat and poultry inspection program that includes the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related requirements of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) (including the regulations, directives, notices, policy memoranda, and other regulatory requirements of those Acts).

(c) COMMENT.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable, obtain comment from interested parties.

(d) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 10 . AGRICULTURAL RESEARCH AND TECHNOLOGY.**

(a) SCIENTIFIC STUDIES.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct scientific studies on—

(A) the transmission of spongiform encephalopathy in deer, elk, and moose; and

(B) chronic wasting disease (including the risks that chronic wasting disease poses to livestock).

(2) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the scientific studies.

(b) RESEARCH AND EXTENSION GRANT PROGRAM.—The Secretary shall establish a program to provide research and extension grants to eligible entities (as determined by the Secretary) to develop, for livestock production—

(1) prevention and control methodologies for infectious animal diseases that affect trade; and

(2) laboratory tests to expedite detection of—

(A) infected livestock; and

(B) the presence of diseases within herds or flocks of livestock.

(c) VACCINES.—

(1) VACCINE STORAGE STUDY.—The Secretary shall—

(A) conduct a study to determine the number of doses of livestock disease vaccines that should be available to protect against livestock diseases that could be introduced into the United States; and

(B) compare that number with the number of doses of the livestock disease vaccines that are available as of that date.

(2) STOCKPILING OF VACCINES.—If, after conducting the study and comparison described in paragraph (1), the Secretary determines that there is an insufficient number of doses of a particular vaccine referred to in that paragraph, the Secretary shall take such actions as are necessary to obtain the required additional doses of the vaccine.

(d) VETERINARY TRAINING.—The Secretary shall develop a program to maintain in all regions of the United States a sufficient number of Federal and State veterinarians who are well trained in recognition and diagnosis of exotic and endemic animal diseases.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.

**SEC. 10 . OFFICE OF SCIENCE TECHNOLOGY POLICY.**

(a) IN GENERAL.—The President may—

(1) establish within the Office of Science and Technology Policy a noncareer, senior executive service appointment position for a Veterinary Advisor; and

(2) appoint an individual to the position.

(b) **QUALIFICATIONS; DUTIES.**—The individual appointed to the position described in subsection (a) shall—

(1) hold the degree of Doctor of Veterinary Medicine from an accredited or approved college of veterinary medicine; and

(2) provide to the science advisor of the President expertise in—

(A) exotic and endemic animal disease detection, prevention, and control;

(B) food safety; and

(C) animal agriculture.

(c) **EXECUTIVE SCHEDULE PAY RATES.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following: “Veterinary Advisor, Office of Science and Technology Policy.”.

**SEC. 10 . OPERATION OF AGRICULTURAL AND NATURAL RESOURCE PROGRAMS ON TRIBAL TRUST LAND.**

(a) **REVIEW.**—The Secretary of Agriculture (referred to in this section as the “Secretary”), in consultation with the Secretary of the Interior, shall conduct a review of the operation of agricultural and natural resource programs available to farmers and ranchers operating on tribal and trust land, including—

(1) natural resource management programs;

(2) incentive programs; and

(3) farm income support programs.

(b) **ADMINISTRATION.**—The Secretary shall carry out programs described in subsection (a) in a manner that, to the maximum extent practicable, is consistent with the American Indian Agricultural Resource Management Act (25 U.S.C. 3701 et seq.).

(c) **FACT-FINDING TEAM.**—The Secretary shall establish a fact-finding team to obtain input from local officials and program recipients to assist in carrying out this section.

(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes actions taken to carry out this section, including a plan to implement the actions.

**SEC. 10 . ASSISTANCE FOR GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.**

(a) **DEFINITIONS.**—In this section:

(1) **DEPARTMENT.**—The term “Department” means the Department of Agriculture.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) any community-based organization, network, or coalition of community-based organizations that—

(i) has demonstrated experience in providing agricultural education or other agriculturally related services to geographically disadvantaged farmers and ranchers;

(ii) has provided to the Secretary documentary evidence of work with geographically disadvantaged farmers and ranchers during the 2-year period preceding the submission of an application for assistance under this section; and

(iii) has not engaged in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986;

(B)(i) a land-grant college or university that is located in an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) (as amended by section 701(a)) or in a State other than 1 of the 48 contiguous States; and

(ii) any other institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that has demonstrated experience in providing

agricultural education or other agriculture-related services to geographically disadvantaged farmers and ranchers in a region; and

(C) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) or national tribal organization that has demonstrated experience in providing agricultural education or other agriculturally related services to geographically disadvantaged farmers and ranchers in a region.

(3) **GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.**—The term “geographically disadvantaged farmer or rancher” means a farmer or rancher in an insular area (as defined in section 1404 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (7 U.S.C. 3103)) (as amended by section 701(a)) or in a State, other than one of the 48 contiguous States.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **PROGRAM.**—The Secretary shall carry out an assistance program to encourage and assist geographically disadvantaged farmers and ranchers—

(1) in owning and operating farms and ranches; and

(2) in participating equitably in the full range of agricultural programs offered by the Department.

(c) **REQUIREMENTS.**—The assistance program under subsection (b) shall—

(1) enhance coordination of technical assistance and education efforts authorized under various agricultural programs; and

(2) include information on, and assistance with—

(A) commodity, conservation, credit, rural, and business development programs;

(B) application and bidding procedures;

(C) farm and risk management;

(D) marketing; and

(E) other activities essential to participation in agricultural and other programs of the Department.

(d) **GRANTS AND CONTRACTS.**—The Secretary may make grants to, and enter into contracts and other agreements with, an eligible entity to provide information and technical assistance under this section.

(e) **REPORT.**—Not later than 1 year after funds are made available to carry out this section, the Secretary shall submit to Congress a report that identifies barriers to efficient and competitive transportation of inputs and products by geographically disadvantaged farmers and ranchers.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2002 through 2006.

**SEC. 10 . SENSE OF SENATE REGARDING USE OF THE NAME GINSENG.**

It is the sense of the Senate that the Commissioner of Food and Drugs should promulgate regulations to ensure that, for the purposes of section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343), the name “ginseng” or any name that includes the word “ginseng” shall be used in reference only to an herb or herbal ingredient that—

(1) is a part of a plant of 1 of the species of the genus *Panax*; and

(2) is produced in compliance with United States law regarding the use of pesticides.

**Subtitle E—Studies and Reports**

**SEC. 10 . REPORT ON POUCHED AND CANNED SALMON.**

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall submit to Congress a report on efforts to expand the promotion, marketing, and purchasing of pouched and canned salmon harvested and processed in the United States under food

and nutrition programs administered by the Secretary.

(b) **COMPONENTS.**—The report under subsection (a) shall include—

(1) an analysis of pouched and canned salmon inventories in the United States that, as of the date on which the report is submitted, that available for purchase;

(2) an analysis of the demand for pouched and canned salmon and value-added products (such as salmon “nuggets”) by—

(A) partners of the Department of Agriculture (including other appropriate Federal agencies); and

(B) consumers; and

(3) an analysis of impediments to additional purchases of pouched and canned salmon, including—

(A) any marketing issues; and

(B) recommendations for methods to resolve those impediments.

**SEC. 10 . SETTLEMENT AGREEMENT REPORT.**

Not later than December 31, 2002, and annually thereafter through 2006, the Comptroller General of the United States shall submit to Congress a report that describes all programs and activities that States have carried out using funds received under all phases of the Master Settlement Agreement of 1997.

**SEC. 10 . REPORT ON GENETICALLY MODIFIED PEST-PROTECTED PLANTS.**

(a) **FINDINGS.**—Congress finds that—

(1) in 2000, the Committee on Genetically Modified Pest-Protected Plants of the Board on Agriculture and Natural Resources of the National Research Council made several recommendations concerning food safety, ecological research, and monitoring needs for transgenic crops with plant incorporated protectants; and

(2) the Committee recommended enhancements to certain operational aspects of the regulatory framework for agricultural biotechnology, such as—

(A) improving coordination and enhanced consistency of review across all regulatory agencies; and

(B) clarifying the scope of the regulatory jurisdiction of the Animal and Plant Health Inspection Service.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture should—

(1) review the recommendations described in subsection (a); and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes actions taken to implement those recommendations by agencies within the Department of Agriculture, including agencies that develop or implement programs or objectives relating to marketing, regulation, food safety, research, education, or economics.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for each subsequent fiscal year.

**SEC. 10 . STUDY OF CREATION OF LITTER BANK BY UNIVERSITY OF ARKANSAS.**

(a) **IN GENERAL.**—The Secretary of Agriculture shall conduct a study to evaluate the creation of a litter bank by the Department of Agriculture at the University of Arkansas for the purpose of enhancing health and viability of watersheds in areas with large concentrations of animal producing units.

(b) **COMPONENTS.**—In conducting the study, the Secretary shall evaluate the costs, needs, and means by which litter may be collected and distributed outside the applicable watershed to reduce potential point source and nonpoint source phosphorous pollution.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

**SEC. 10 . . . STUDY OF FEASIBILITY OF PRODUCER INDEMNIFICATION FROM GOVERNMENT-CAUSED DISASTERS.**

(a) FINDINGS.—Congress finds that the implementation of Federal disaster assistance programs fails to adequately address situations in which disaster conditions are primarily the result of Federal action.

(b) AUTHORITY.—The Secretary of Agriculture shall conduct a study of the feasibility of expanding eligibility for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), and noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), to agricultural producers experiencing disaster conditions caused primarily by Federal agency action.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

**SEC. 10 . . . REPORT ON SALE AND USE OF PESTICIDES FOR AGRICULTURAL USES.**

Not later than 120 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the manner in which the Agency is applying regulations of the Agency governing the sale and use of pesticides for agricultural use to electronic commerce transactions.

**SEC. 10 . . . REPORT ON RATS, MICE, AND BIRDS.**

(a) IN GENERAL.—Not later than 1 year after date enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the implications of including rats, mice, and birds within the definition of animal under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

(b) REQUIREMENTS.—The report under subsection (a) shall—

(1) be completed by the Comptroller General of the United States;

(2) contain a description of the number and types of entities that currently use rats, mice, and birds, and are not subjected to regulations of the Department of Agriculture;

(3) contain estimates of the numbers of rats, mice, and birds currently used in research facilities that are not currently regulated by the United States Department of Agriculture;

(4) contain an estimate of the additional costs likely to be incurred by breeders and research facilities resulting from the additional regulatory requirements needed in order to afford the same levels of protection to rats, mice, and birds as is provided for species currently regulated by the Department of Agriculture, detailing the costs associated with individual regulatory requirements;

(5) contain an estimate of the additional funding that the Animal and Plant Health Inspection Service would require to be able to ensure that the level of compliance with respect to other regulated animals is not diminished by the increase in the number of facilities that would require inspections

after a rule extending the definition to include rats, mice, and birds goes into effect; and

(6) contain recommendations for ensuring that the regulatory burden is no greater than that already applied to rodent species under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

**SEC. 10 . . . TASK FORCE ON NATIONAL INSTITUTES FOR PLANT AND AGRICULTURAL SCIENCES.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall establish a task force to evaluate the merits of establishing 1 or more National Institutes for Plant and Agricultural Sciences.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of at least 8 members, appointed by the Secretary, that—

(A) have a broad-based background in food, nutrition, biotechnology, crop production methods, environmental science, or related disciplines; and

(B) are familiar with the infrastructure used to conduct Federal and private research, including—

(i) the National Institutes of Health;

(ii) the National Science Foundation;

(iii) the National Aeronautics and Space Administration;

(iv) the Department of Energy laboratory system;

(v) the Agricultural Research Service; and

(vi) the Cooperative State Research and Extension Service.

(2) PRIVATE SECTOR.—Of the members appointed under paragraph (1), the Secretary shall appoint at least 6 members that are members of the private sector, including institutions of higher education.

(3) PLANT AND AGRICULTURAL SCIENCES RESEARCH.—Of the members appointed under paragraph (1), the Secretary shall appoint at least 2 members that have an extensive background and preeminence in the field of plant and agricultural sciences research.

(4) CHAIRPERSON.—Of the members appointed under paragraph (1), the Secretary shall designate a Chairperson that has significant leadership experience in educational and research institutions and in depth knowledge of the research enterprises of the United States.

(5) CONSULTATION.—Before appointing members of the Task Force under this subsection, the Secretary shall consult with the National Academy of Sciences and the Office of Science and Technology Policy.

(c) DUTIES.—The Task Force shall—

(1) evaluate and compare—

(A) publicly funded agricultural and plant sciences research activities, including competitively awarded research; and

(B) privately funded agricultural and plant sciences research activities;

(2) evaluate and compare—

(A) competitive publicly funded agricultural research activities; and

(B) other forms of publicly funded research, such as medical research; including an assessment of the methods of evaluation, administration, and funding;

(3) evaluate the need for competitive public plant and agricultural sciences research necessary—

(A) to increase crop yields and productivity;

(B) to improve environmental quality;

(C) to enhance the value of farm output to agricultural producers and consumers;

(D) to promote health and improve nutrition;

(E) to enhance food safety; and

(F) to increase effective agricultural production to meet the future needs of the

growing population of the world, especially in developing countries;

(4) evaluate the merits of establishing 1 or more National Institutes for Plant and Agricultural Sciences, that is similar to the National Institute of Health—

(A) to coordinate competitive, innovative research and technological development and innovation;

(B) to ensure the necessary supply of scientific personnel in order to ensure the competitiveness of the United States in an increasingly global trade market for agricultural products; and

(C) to facilitate the integration of scientific advances from medical sciences, engineering, and information technologies into plant and agricultural sciences; and

(5) if establishment of 1 or more National Institutes for Plant and Agricultural Sciences is recommended, provide further recommendations to the Secretary, including recommendations on—

(A) the structure for establishing the Institutes;

(B) the location of the Institutes in 1 or more multistate regions with preeminence in plant, agricultural, and related biological sciences (including in existing Federal plant and animal research facilities and land grant institutions), in order—

(i) to use all relevant fields of knowledge; and

(ii) to promote collaborative and interdisciplinary research; and

(C) the amount of funding necessary to establish the Institutes.

(d) REPORT.—Not later than July 1, 2003, the Task Force shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Secretary a report that describes the results of the evaluation conducted under this section, including recommendations described in subsection (c)(5).

On page 985, in section 1041(b), strike “456” each place it appears and insert “4\_\_\_\_\_”.

On page 987, after line 2, add the following:

**SEC. 10 . . . COMMODITY CREDIT CORPORATION FUNDING.**

Except for funds made available through a user fee or funds made available in an appropriation act, notwithstanding any other provision of this Act or an amendment made by this Act, any funds that are made available through the transfer of funds from the Secretary of the Treasury to the Secretary of Agriculture expressly under this Act or an amendment made by this Act shall be made available through funds of the Commodity Credit Corporation.

Strike page 888, line 24, through page 889 line 2, and insert in lieu thereof the following “Of the funds of the Commodity Credit Corporation, the Secretary shall make available \$5 million for each fiscal year 2003 through 2006.”

**SEC. 1 . . . ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.**

Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

“(e) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—

“(1) IN GENERAL.—The Corporation shall carry out, through at least the 2004 reinsurance year, the adjusted gross revenue insurance pilot program in effect for the 2002 reinsurance year.

“(2) ADDITIONAL COUNTIES.—

“(A) IN GENERAL.—In addition to counties otherwise included in the pilot program, the Corporation shall include in the pilot program for the 2003 reinsurance year at least 8 counties in the State that produces (as of the date of enactment of this subsection) the

highest quantity of specialty crops for which adjusted gross revenue insurance under this title is not available.

“(B) SELECTION CRITERIA.—In carrying out subparagraph (A), the Corporation shall include in the pilot program counties that (as determined by the Corporation) produce a significant quantity of specialty crops.”.

**“SEC. . PASTEURIZATION.**

“For the purposes of any provision of federal law under which a food or food product is required to undergo a treatment of pasteurization, the term ‘pasteurization’ means any safe treatment that—

“(1) is a treatment prescribed as pasteurization applicable to the food or food product under any Federal law (including a regulation); or

“(2) has been demonstrated to the satisfaction of the Secretary of HHS to achieve a level of reduction in the food or food product of the microorganisms of public health concern that—

“(A) is at least as protective of the public health a treatment described in paragraph (1); and

“(B) is effective for a period that is at least as long as the shelf life of the food or food product when stored under normal, moderate, and severe abuse conditions.”.

Strike “Agriculture, Conservation, and Rural Enhancement Act of 2001” each place it appears and insert “Agriculture, Conservation, and Rural Enhancement Act of 2002”.

**SA 2860.** Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

**SEC. 402. FEDERAL ELECTION DAY.**

(a) ELECTION DAY OBSERVED.—

(1) DESIGNATION.—November 5, 2002, and November 2, 2004, are designated as “Federal Election Day”.

(2) LEGAL PUBLIC HOLIDAY.—Federal Election Day—

(A) is a legal public holiday for the purpose of statutes relating to pay and leave of employees;

(B) shall be treated as a holiday in accordance with section 6103 of title 5, United States Code; and

(C) shall begin at 1 o’clock post meridian.

(3) REGULATIONS.—The President may prescribe regulations to carry out this subsection.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the impact on voter participation of making Federal Election Day a legal public holiday.

(2) REPORT.—Not later than May 2, 2005, the Comptroller General shall submit a report to Congress and the President detailing the results of the study conducted under paragraph (1).

**SA 2861.** Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2858 submitted by Mr. ALLARD and intended to be proposed to the amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Strike “SEC. 401.” and all that follows and insert the following:

**STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended—

(1) by striking “Each State” and inserting “(a) IN GENERAL.—Each State”; and

(2) by adding at the end the following:

“(b) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

“(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

“(A) solely on the grounds that the ballot lacked—

“(i) a notarized witness signature;

“(ii) an address (other than on a Federal write-in absentee ballot, commonly known as ‘SF186’);

“(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

“(iv) an overseas postmark; or

“(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

“(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

**SEC. 402. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.**

(a) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 401(a) of this Act and section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended—

(1) in paragraph (3), by striking “and” after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(5) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

“(6) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

“(A) has registered to vote under this section; and

“(B) is eligible to vote in that election under State law.”.

(b) DEFINITIONS.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) The term ‘recently separated uniformed services voter’ means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

“(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

“(B) is no longer such a voter; and

“(C) is otherwise qualified to vote in that election.”;

(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

“(10) The term ‘uniformed services voter’ means—

“(A) a member of a uniformed service in active service;

“(B) a member of the merchant marine; and

“(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

**SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.**

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

“(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

**SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.**

Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the "Secretary"), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) enough copies of the Federal military voting laws (as identified by the Secretary) so that the State is able to distribute a copy of such laws to each jurisdiction of the State.

**SEC. 405. EFFECTIVE DATES.**

Notwithstanding the preceding provisions of this title, each effective date otherwise provided under this title shall take effect 1 day after such effective date.

**SA 2862.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 22, strike "Commission" and insert "Commission, in consultation with the Architectural and Transportation Barriers Compliance Board."

On page 64, line 19, strike "316(a)(2)." and insert "316(a)(2), except that—

"(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

"(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board."

**SA 2863.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 22, strike "Commission" and insert "Commission, in consultation

with the Architectural and Transportation Barriers Compliance Board,".

**SA 2864.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 19, strike "316(a)(2)." and insert "316(a)(2), except that—

"(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

"(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board."

**SA 2865.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

**SEC. 402. DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.**

(a) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—

(1) ADDITIONAL DUTIES.—Section 1566(g) of title 10, United States Code, as added by section 1602(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1274), is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

"(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or

vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held.

"(3) The Secretary of each military department shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials."

(2) REPORT.—The Secretary of Defense shall submit to Congress a report describing the measures to be implemented under section 1566(g)(2) of title 10, United States Code (as added by paragraph (1)), to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1602 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1274) upon the enactment of that Act.

**SA 2866.** Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 9 through 12, and insert the following:  
submitted under section 212(c)(1)(B) of such section;

(6) to establish toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights abuses; or

(7) to meet the requirements under section 101, 102, or 103.

**SA 2867.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections,

and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike lines 15 through 17, and insert the following: "hours, including the advisability of establishing a uniform poll closing time;".

**SA 2868.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

**SEC. 402. ESTABLISHMENT OF ELECTION DAY IN FEDERAL ELECTION YEARS AS A LEGAL PUBLIC HOLIDAY.**

Section 6103(a) of title 5, United States code, is amended by inserting after the item relating to Veterans Day the following:

"Election Day, the Tuesday next after the first Monday in November in each even-numbered year."

**SA 2869.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

**SEC. \_\_\_\_ . SENSE OF THE SENATE REGARDING STATE AND LOCAL INPUT INTO CHANGES MADE TO THE ELECTORAL PROCESS.**

(a) FINDINGS.—Congress finds the following:

(1) Although Congress has the responsibility to ensure that our citizens' right to vote is protected, and that votes are counted in a fair and accurate manner, States and localities have a vested interest in the electoral process.

(2) The Federal Government should ensure that States and localities have some say in any election mandates placed upon the States and localities.

(3) Congress should ensure that any election reform laws contain provisions for input by State and local election officials.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Justice and the Committee on Election Reform should take steps to ensure that States and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.

**SA 2870.** Mr. WYDEN (for himself, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2688 proposed by Mr. DODD to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, beginning with line 8, strike through page 19, line 19, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark on record with the appropriate State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) a signature or personal mark for matching with the signature or personal mark on record with the appropriate State or local election official.

(B) SIGNATURE COMPARISON.—Notwithstanding the requirements of subparagraph

(A), a State may elect to require voters described in subsection (b)(1)(A) and (B) to provide a signature or personal mark for matching with the voter's signature or personal mark on record with a state or local election official, in lieu of the requirements under such subparagraph. States making such election shall provide notice to such voters consistent with the notice provided for provisional ballots under Section 102(a)(5) and (6).

On line 20, change "(B)" to "(C)."

**SA 2871.** Mr. SCHUMER proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 8, strike lines 5 through 18, and insert the following:

(B) EXCEPTIONS.—

(i) If a State meets the criteria of item (aa) of subparagraph (A)(i)(I) with respect to a language, a jurisdiction of that State shall not be required to provide alternative language accessibility under this paragraph with respect to that language if—

(I) less than 5 percent of the total number of voting-age citizens who reside in that jurisdiction speak that language as their first language and are limited-English proficient; and

(II) the jurisdiction does not meet the criteria of item (bb) of such subparagraph with respect to that language.

(ii) A State or locality that uses a lever voting system and that would be required to provide alternative language accessibility under the preceding provisions of this paragraph with respect to an additional language that was not included in the voting system of the State or locality before the date of enactment of this Act may meet the requirements of this paragraph with respect to such additional language by providing alternative language accessibility through the voting systems used to meet the requirement of paragraph (3)(B) if—

(I) it is not practicable to add the alternative language to the lever voting system or the addition of the language would cause the voting system to become more confusing or difficult to read for other voters;

(II) the State or locality has filed a request for a waiver with the Office of Election Administration of the Federal Election Commission or, after the transition date (as defined in section 316(a)(2)), with the Election Administration Commission, that describes the need for the waiver and how the voting system under paragraph (3)(B) would provide alternative language accessibility; and

(III) the Office of Election Administration or the Election Administration Commission (as appropriate) has approved the request filed under subclause (II).

**SA 2872.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 565, to establish the

Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 1 through 5, and insert the following:

(B)(i) Except as provided in clause (ii), the question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(ii) If the State law permits an individual to register to vote even though the individual will not be 18 years of age or older on election day, the State may substitute a question reflecting the State's age requirement for the question in clause (i).

**SA 2873.** Mr. SCHUMER proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for purposes; as follows:

On page 13, strike line 22, and insert the following: "is not counted (such notice shall include the State's voter registration form); and".

**SA 2874.** Mr. DODD (for Ms. CANTWELL (for himself, Mrs. MURRAY, and Mr. DODD)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 5, strike lines 4 through 14, and insert the following:

(B) A State or locality that uses a paper ballot voting system, a punchcard voting system, or a central count voting system (in-

cluding mail-in absentee ballots or mail-in ballots), may meet the requirement of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

**SA 2875.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, strike lines 10 through 24, and insert the following:

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(i) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

(B) NOTICE REQUIREMENTS.—If a State elects to adopt the requirements described in subparagraph (A), the State shall—

(i) provide each individual providing a signature or personal mark under such subparagraph with—

(I) written information similar to the information described in paragraph (5) of section 102(a); and

(II) notice similar to the notice described in paragraph (6)(A) of such section; and

(ii) establish a free access system similar to the system described in paragraph (6)(B) of such section.

On page 18, line 13, after "shall" insert "in a uniform and non-discriminatory manner".

**SA 2876.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require

each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

(B) NOTICE REQUIREMENTS.—If a State elects to adopt the requirements described in subparagraph (A), the State shall—

(i) provide each individual providing a signature or personal mark under such subparagraph with—

(I) written information similar to the information described in paragraph (5) of section 102(a); and

(II) notice similar to the notice described in paragraph (6)(A) of such section; and

(ii) establish a free access system similar to the system described in paragraph (6)(B) of such section.

On page 21, strike lines 24 and 25, and insert the following:

section (b) on and after January 1, 2004.

On page 38, strike lines 2 and 3, and insert the following:

procedures and programs to identify.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

**SA 2877.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 19, add the following:  
**SEC. . DEVELOPMENT AND USE OF ELECTRONIC AND ONLINE VOTING SYSTEMS.**

Nothing in this Act may be construed to limit the development or use of electronic or online voting systems as long as such systems meet the voting systems standards and the other requirements established under title I.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a nomination hearing during the session of the Senate on Wednesday, February 13, 2002. The purpose of this hearing will be to consider the following nominations: Thomas Dorr the nominee for Under Secretary of Rural Development; Nancy Bryson, the administration's nominee to serve as general counsel for USDA; and Grace Daniel and Fred Dailey who are nominated to serve on the Board of Federal Agricultural Mortgage Corporation.

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

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 13, 2002, at 10 a.m., to conduct a hearing on "HUD's FY03 Budget and Legislative Proposals."

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 13, 2002 at 9:30 a.m. to conduct a hearing to examine the administration's Fiscal Year 2003 budget proposal for the Environment Protection Agency. The hearing will be held in SD-406.

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

##### COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 13, 2002 at 10:00 a.m. to hear testimony on "The Sectoral Trade Dispute: Lumber and Steel."

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

##### COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 13, 2002 at 1:30 p.m. to hear testimony on "The Sectoral Trade Dispute: Lumber and Steel."

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

##### COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session of the Senate on Wednesday, February 13, 2002 at 4 p.m., on "Energy Tax Incentives."

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

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

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Protecting Against Genetic Discrimination: The Limits Of Existing Law during the session of the Senate on Wednesday, February 13, 2002, at 2 p.m.

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 13,

2002, at 2 p.m. in room 485 Russell Senate Building to conduct an oversight hearing on the Implementation of the Native American Housing Assistance and Self-Determination Act. A business meeting to mark up S. 1857, tribal claims, will precede the hearing.

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

##### COMMITTEE ON THE JUDICIARY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "The Application of Federal Antitrust Laws to Major League Baseball" on Wednesday, February 13, 2002 at 10 a.m. in Dirksen Room 226.

##### Witness List

Panel I: The Honorable PAUL WELLSTONE, the Honorable BILL NELSON, and the Honorable MARK DAYTON.

Panel II: The Honorable Bob Butterworth, Attorney General of Florida, Tallahassee, FL; the Honorable Lori Swanson, Deputy Attorney General of Minnesota, St. Paul, MN; Mr. Robert DuPuy, Executive Vice President and Chief Legal Officer, Office of the Commissioner of Major League Baseball, New York, NY; Mr. Donald M. Fehr, Executive Director and General Counsel, Major League Baseball Players Association, New York, NY; and Mr. Stan Brand, Vice President, Minor League Baseball, Washington, DC.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 13, 2002 at 2:30 p.m. to hold a closed business meeting.

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

##### SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND COURTS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet on Wednesday, February 13, 2002 at 2 p.m. in Dirksen 226, to conduct a public briefing by Richard A. Clarke, Special Advisor to the President for Cyberspace Security and Chairman of the President's Infrastructure Board, the White House, Washington, DC.

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

##### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Wednesday, February 13, 2002 at 9:30 a.m. for a hearing to examine "Illicit Diamonds, Conflict and Terrorism: The Role of U.S. Agencies in Fighting the Conflict Diamond Trade."