United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, JULY 30, 2007 No. 123—Part II

House of Representatives

HONORING 50TH ANNIVERSARY OF STAN HYWET HALL & GARDENS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 143) honoring the 50th anniversary of Stan Hywet Hall & Gardens, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 143

Whereas Stan Hywet Hall was built between 1912 and 1915 by Franklin 'F.A.' Augustus Seiberling and his wife, Gertrude;

Whereas Franklin Seiberling hired architect Charles S. Schneider of Cleveland to design the home, landscape architect Warren H. Manning of Boston to design the grounds, and Hugo F. Huber of New York City to decorate the interior;

Whereas Stan Hywet Hall is one of the finest examples of Tudor Revival architecture in the United States;

Whereas Alcoholics Anonymous, an organization that continues to help millions of individuals worldwide recover from alcohol addiction, was founded on Mother's Day 1935 following a meeting between Mr. Bill Wilson and Dr. Bob Smith and hosted by Henrietta Seiberling at Stan Hywet Hall;

Whereas, in 1957, in keeping with the Stan Hywet Hall crest motto of 'Non Nobis Solum (Not for Us Alone)', the Seiberling family donated Stan Hywet Hall to a nonprofit organization, which came to be known as Stan Hywet Hall & Gardens, so that the public could enjoy and experience part of a noteworthy chapter in the history of the United States;

Whereas Stan Hywet Hall & Gardens is identified as a National Historic Landmark by the Department of the Interior, the only location in Akron, Ohio, with such a designation and one of only 2,200 nationwide;

Whereas Stan Hywet Hall & Gardens is one of Ohio's top 10 tourist attractions, is a Save America's Treasures project, and is accredited by the American Association of Museums;

Whereas more than 5,000,000 people from around the world have visited Stan Hywet Hall & Gardens, with the number of visitors annually averaging between 150,000 and 200,000 since 1999;

Whereas Stan Hywet Hall & Gardens contributes over $12,000,000 annually to the greater Akron economy;

Whereas Stan Hywet Hall & Gardens is a recipient of the Trustee Emeritus Award for Excellence in the Stewardship of Historic Sites from the National Trust for Historic Preservation, only the fourth recipient of the Award after George Washington's Mount Vernon, Thomas Jefferson's Monticello, and Washington, DC's Octagon House; and

Whereas Stan Hywet Hall & Gardens relies on more than 1,300 volunteers to ensure that its doors remain open to the public, including the Women's Auxiliary Board, the Friends of Stan Hywet, the Stan Hywet Gilde, the Stan Hywet Needlework Guild, the Stan Hywet Flower Arrangers, the Stan Hywet Garden Committee, the Carriage House Gift Shop, the Conservatory, Vintage Base Ball, Vintage Explorers, the Akron Garden Club, and the Garden Forum of Greater Akron: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates Stan Hywet Hall & Gardens on its 50th anniversary;

(2) honors Stan Hywet Hall & Gardens for its commitment to sharing its history, gardens, and art collections with the public; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Stan Hywet Hall & Gardens.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois:

Strike all after the resolving clause and insert the following:

That Congress—

(1) recognizes that National Historic Landmarks are places where significant historical events occurred or where prominent Americans worked or lived; and

(2) directs the Secretary of the Senate to transmit a copy of this resolution to the Stan Hywet Hall & Gardens in Akron, Ohio.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. DAVIS of Illinois:

Strike the preamble and insert the following:

Whereas National Historic Landmarks are nationally significant historic places, designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States;

Whereas Congress recognizes that Stan Hywet Hall, located in Akron, Summit County, Ohio, has been designated as a National Historic Landmark since December 21, 1981;

Whereas Stan Hywet Hall was built between 1912 and 1915 by Franklin ''F.A.'' Augustus Seiberling and his wife, Gertrude;

Whereas Franklin Seiberling hired architect Charles S. Schneider of Cleveland to design the home, landscape architect Warren H. Manning of Boston to design the grounds, and Hugo F. Huber of New York City to decorate the interior;

Whereas Stan Hywet Hall is one of the finest examples of Tudor Revival architecture in the United States;

Whereas Alcoholics Anonymous, an organization that continues to help millions of individuals worldwide recover from alcohol addiction, was founded on Mother's Day 1935 following a meeting between Mr. Bill Wilson and Dr. Bob Smith which was hosted by Henrietta Seiberling at Stan Hywet Hall;

Whereas in 1957, in keeping with the Stan Hywet Hall crest motto of ''Non Nobis Solum'' (or ''Not for Us Alone''), the Seiberling family donated Stan Hywet Hall to a nonprofit organization, which came to be known as Stan Hywet Hall & Gardens, so that the public could enjoy and experience part of a noteworthy chapter in the history of the United States;

Whereas we are honoring and congratulating Stan Hywet Hall & Gardens on its 50th anniversary and for its commitment to sharing its history, gardens, and art collections with the public;

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Whereas Stan Hywet Hall & Gardens is identified as a National Historic Landmark by the Department of the Interior, the only location in Akron, Ohio, with such a designation and one of only 2,200 nationwide;

Whereas Stan Hywet Hall & Gardens is one of Ohio's top 10 tourist attractions, is a Save America's Treasures project, and is accredited by the American Association of Museums;

Whereas more than 5,000,000 people from around the world have visited Stan Hywet Hall & Gardens, with the number of visitors annually averaging between 150,000 and 200,000 since 1999;

Whereas Stan Hywet Hall & Gardens contributes over $12,000,000 annually to the greater Akron economy;

Whereas Stan Hywet Hall & Gardens is a recipient of the Trustee Emeritus Award for Excellence in the Stewardship of Historic Sites from the National Trust for Historic Preservation, only the fourth recipient of the Award after George Washington's Mount Vernon, Thomas Jefferson's Monticello, and Washington, DC's Octagon House; and

Whereas Stan Hywet Hall & Gardens relies on more than 1,300 volunteers to ensure that its doors remain open to the public, including the Women's Auxiliary Board, the Friends of Stan Hywet, the Stan Hywet Gilde, the Stan Hywet Needlework Guild, the Stan Hywet Flower Arrangers, the Stan Hywet Garden Committee, the Carriage House Gift Shop, the Conservatory, Vintage Base Ball, Vintage Explorers, the Akron Garden Club, and the Garden Forum of Greater Akron: Now, therefore, be it

Mr. DAVIS of Illinois. Mr. Speaker, National Historic Landmarks are significant places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating the heritage of the United States. The U.S. Congress recognizes that Stan Hywet Hall, located in Akron, Ohio as a National Historic Landmark since December 21, 1981. Stan Hywet Hall was built between 1912 and 1915 by Franklin "F.A." Augustus Seiberling and his wife, Gertrude. This landmark is one of the finest examples of Tudor Revival architecture in the United States.

We are honoring Stan Hywet Hall and Gardens on its 50th anniversary and for its commitment to sharing its history, gardens, and art collections with the public.

Mr. Speaker, I commend my colleague Representative BETTY SUTTON for seeking to honor the 50th anniversary of Stan Hywet Hall and Gardens and urge the swift passage of this bill.

The SPEAKER pro tempore (during the reading). Without objection, the amendment to the preamble is considered as read.

There was no objection.

The amendment to the preamble was agreed to.

The title was amended so as to read: "Concurrent resolution honoring National Historic Landmarks.".

A motion to reconsider was laid on the table.

MASTER SERGEANT SEAN MICHAEL THOMAS POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2765) to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2765

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

SECTION 1. MASTER SERGEANT SEAN MICHAEL THOMAS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, shall be known and designated as the 'Master Sergeant Sean Michael Thomas Post Office'.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the 'Master Sergeant Sean Michael Thomas Post Office'.

Mr. DAVIS of Illinois. Mr. Speaker, Master Sergeant Sean Michael Thomas died on March 27, 2007 in Baghdad, Iraq. He was serving with the Harrisburg-based 28th Division Support Command. Master Sergeant Thomas joined the Pennsylvania National Guard in 1998 after 6 years in the Army Reserve. He had planned to attend Officer Candidates School in October and wanted to be a teacher when he returned to civilian life. His unit's commander, Colonel Jesse Deets, called Master Sergeant Thomas a model officer and friend.

Mr. Speaker, I commend my colleague Representative CHRISTOPHER CARNEY for introducing this legislation and urge the swift passage of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING A NATIONAL YOUTH SPORTS WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 442) expressing the sense of the House of Representatives that a National Youth Sports Week should be established, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 442

Whereas about 42 million children participate in organized sports each year;

Whereas children participating in organized sports tend to perform better in school, develop excellent interpersonal skills, and lead healthier lives;

Whereas organized youth sports help children increase their self-esteem, develop an appreciation of health and fitness, and become leaders within the community;

Whereas organized youth sports provide for regular physical activity and help combat increasing rates of childhood obesity;

Whereas the Congressional Caucus on Youth Sports was created, with great help and support from the Citizenship Through Sports Alliance, Positive Coaching Alliance, and National Recreation and Park Association, to restore the focus in youth sports on the child's experience and character development;

Whereas far too many children quit participating in youth sports at a young age, many telling coaches and parents, 'It just wasn't fun anymore';

Whereas the National Recreation and Park Association has designated July as Parks and Recreation Month;

Whereas many youth sports organizations gather at local parks and recreation facilities across the country; and

Whereas designating the fourth week in July as National Youth Sports Week would raise awareness of the important physical and emotional benefits of participating in youth sports and the need to promote sportsmanship among players, parents, coaches, and officials: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that a National Youth Sports Week should be established to promote awareness of the importance of youth sports and the need to restore the focus in youth sports on the child's experience and character development.

Mr. DAVIS of Illinois. Mr. Speaker, over 42 million children participate in youth sports all across our country, and their activities contribute greatly to their positive development and enrich the quality of life for all. There are a number of benefits reaped by children's involvement in sports, such as better grades, excellent interpersonal skills and a healthier lifestyle. Also, given the increasing numbers of children battling obesity, this is an important time for youth to become active in sports.

H. Res. 442 is a bill that designates the fourth week in July as "National Youth Sports Week." This legislation would raise awareness of the important physical and emotional benefits of participating in youth sports and the need to promote fun, sportsmanship, and character development.

Mr. Speaker, I commend my colleague Representative MIKE MCINTYRE for introducing this legislation and urge the swift passage of this bill.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING CRAIG BIGGIO OF THE HOUSTON ASTROS FOR REACHING 3,000 BASE HITS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 501) commending Craig Biggio of the Houston Astros for reaching 3,000 base hits as a Major League Baseball player and for his outstanding service to baseball and the Houston, Texas, region, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 501

Whereas Craig Biggio has reached 3,000 base hits as a Major League Baseball player and all while playing for the Houston Astros with an unmatched hustle and work ethic;

Whereas Craig Biggio is only the 27th player in Major League Baseball history to reach this historic milestone, joining such baseball greats as Willie Mays, Hank Aaron, Tony Gwynn, Cal Ripken Jr., and Ty Cobb;

Whereas Craig Biggio is not only a member of the exclusive 3,000 hit club, but also holds the Major League record for most games played with one team at 2,768 and counting over the past 20 seasons;

Whereas Craig Biggio is 7th all-time in Major League Baseball with 653 doubles and should move into 5th place by the end of the current season;

Whereas Craig Biggio holds the Astros career records for games played, at-bats, runs scored, hits, doubles, and extra-base hits;

Whereas Craig Biggio is a tireless leader in the community for charitable causes, serving for the last decade as lead spokesperson for Sunshine Kids, which is an organization that supports children fighting cancer and their families;

Whereas Craig Biggio and his wife Patti have helped to raise nearly $2,000,000 for Sunshine Kids and have impacted numerous cancer-stricken families throughout the Houston area by leading fun activities like attending Houston Astros, Rockets, and Texan games and The Houston Livestock Show and Rodeo;

Whereas Houston Astros owner Drayton McLane, Jr. recently stated, 'No one has meant more to our community development than Craig and Patti Biggio.'; and

Whereas Craig Biggio has been honored with many awards to recognize his distinguished contributions to the sport of baseball and to the community, including the Hutch Award in 2005 for resilience and always showing a fighting competitive spirit, and being named one of Sporting News' Good Guys in 2004 for all his community service work off the field: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Craig Biggio of the Houston Astros for reaching 3,000 base hits as a Major League Baseball player;

(2) recognizes his outstanding service to the community through his charitable work and dedication to the Houston Astros organization; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Craig Biggio of the Houston Astros and to Astros team owner Mr. Drayton McLane, Jr. for appropriate display.

Mr. DAVIS of Illinois. Mr. Speaker, on June 28, 2007, Mr. Craig Biggio is the 27th professional baseball player in major league history to make 3,000 base hits. He is the ninth to do so while playing all of his games with one team.

In 1988, Mr. Biggio began his distinguished career with the Houston Astros as a catcher. In 1992, hoping to extend his career, the team moved him to various positions, first to the outfield, then to second base, where he is currently playing. He is the only player to be named an All-star as both catcher and second baseman. After playing baseball for 20 years, he has announced his retirement at the end of this season.

Mr. Speaker, I commend my colleague Representative KEVIN BRADY for introducing this legislation and urge the swift passage of this bill.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DOLPH S. BRISCOE, JR. POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2688) to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the ''Dolph S. Briscoe, Jr. Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2688

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

SECTION 1. DOLPH S. BRISCOE, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, shall be known and designated as the 'Dolph S. Briscoe, Jr. Post Office Building'.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the 'Dolph S. Briscoe, Jr. Post Office Building'.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois:

Strike all after the enacting clause and insert the following:

SECTION 1. DOLPH BRISCOE, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, shall be known and designated as the ''Dolph Briscoe, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dolph Briscoe, Jr. Post Office Building''.

The amendment was agreed to.

Mr. DAVIS of Illinois. Mr. Speaker, Mr. Dolph Briscoe was born on April 23, 1923 in Uvalde, Texas. He graduated from the University of Texas in 1942 and then served in the Army during World War II. After he returned from the war, he served in the Texas legislature from 1949 through 1957. He then left politics to manage his family's ranching and business interests.

In 1974, Mr. Briscoe was elected governor of Texas as a conservative, pro-business Democrat. He was one of the few governors to enact a balanced budget without raising or creating new taxes.

Currently, Mr. Briscoe continues to be active in the agricultural community as a rancher in Uvalde and serves his community as the Senior Chairman of the First State Bank of Uvalde.

Mr. Speaker, I commend my colleague Representative CIRO RODRIGUEZ for introducing this legislation and urge the swift passage of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the 'Dolph Briscoe, Jr. Post Office Building'.''.

A motion to reconsider was laid on the table.

□ 1230

ACKNOWLEDGING PROGRESS TO REBUILD GULF COAST REGION AFTER HURRICANES KATRINA AND RITA

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 551) acknowledging the progress made and yet to be made to rebuild the Gulf Coast region after Hurricanes Katrina and Rita, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 551

Whereas Hurricanes Katrina and Rita devastated the lives of 4.5 million people through loss of life and personal injury; destroyed homes, businesses, and public property; displaced people; and damaged cultural assets and economies across the Gulf Coast of the United States;

Whereas Hurricanes Katrina and Rita destroyed nearly every home and business in Orleans Parish, St. Bernard Parish, Plaquemines Parish, and Cameron Parish; and thousands of homes in Calcasieu Parish and other coastal parishes also suffered flood damage;

Whereas Hurricane Katrina displayed winds peaking at 175 miles per hour;

Whereas Hurricane Katrina made landfall in the Gulf Coast region on August 29, 2005, as a powerful category 3 storm and the third strongest land-falling hurricane ever recorded in the United States;

Whereas Hurricane Katrina destroyed 275,000 homes, 18,750 businesses, and 875 schools in Louisiana, and is blamed for the deaths of 1,577 residents in Louisiana;

Whereas Hurricane Katrina caused four levees to breach, including the 17th Avenue Canal, the Industrial Canal, and the London Avenue Canal, resulting in flooding of the city of New Orleans and the parishes of St. Bernard and Plaquemines; and nearly two years later, work on those levees is still unfinished;

Whereas, because of an insufficient levee protection system, approximately 80 percent

of New Orleans was submerged for nearly one month in deadly flood waters;

Whereas Hurricane Katrina devastated institutions of higher education, including Delgado Community College, Dillard University, Loyola University New Orleans, Southern University at New Orleans, Tulane University, the University of New Orleans, and Xavier University of Louisiana;

Whereas nearly two years later, all colleges and universities in New Orleans have reopened, but enrollment is lagging, major infrastructure has not yet been rebuilt, many public schools remain closed, and private and public schools that have reopened are struggling to recover;

Whereas prior to Hurricane Katrina, the population of New Orleans was 484,674; but nearly two years after Hurricane Katrina, little more than half of New Orleans residents have been able to return to their homes;

Whereas Hurricane Katrina overwhelmed the capabilities of State and local governments and Congress appropriated billions of dollars for emergency response needs, such as evacuations, repairs, deployment of personnel, and other immediate relief efforts;

Whereas nearly two years after Hurricane Katrina, disaster relief efforts continue to be needed, especially for hundreds of thousands of displaced citizens;

Whereas Hurricane Rita made landfall along the border of Louisiana and Texas on September 24, 2005, as the fourth most intense Atlantic hurricane ever recorded, causing $9.4 billion in property damage;

Whereas Hurricane Rita completely destroyed several towns in Southwest Louisiana along the border of Texas and washed tons of potentially hazardous debris into the area's marshes, causing severe economic loss, detrimental health effects, and deaths;

Whereas Congress has responded to the devastation of the Gulf Coast region by providing billions of dollars in assistance, including tax relief efforts such as the Gulf Opportunity Zone, student aid, and disability services to victims of Hurricanes Katrina and Rita, and nearly two years later, Congress continues to provide assistance to expedite economic recovery in the region; and

Whereas the people of the United States have been extremely generous in their support for the Gulf Coast region, in addition to the outpouring of assistance from the international community, which continues to support the recovery efforts in the region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of the Gulf Coast region to the economy of the United States;

(2) recognizes the importance of the cultural contributions of the people of the Gulf Coast to the United States; and

(3) expresses its support for all individuals still affected by Hurricanes Katrina and Rita two years after these terrible natural disasters struck.

Mr. DAVIS of Illinois. Mr. Speaker, Hurricane Katrina made a devastating impact on Florida and the Gulf Coast states in the last days of August 2005, followed within weeks by Hurricanes Rita and Wilma. These disasters will long be remembered for disrupting families, changing and ending lives, and forcing Americans to rethink about our preparedness and ability to respond effectively to disasters. Unfortunately, these hurricanes served as a catalyst for changes in federal policy and government management within the Department of Homeland Security (DHS) and the Federal Emergency management Agency (FEMA).

Most of those changes were included in Title VI of the DHS appropriations legislation for FY2007. It established new leadership positions and requirements within FEMA. Additionally, it brought new missions into FEMA and enhanced the agency's authority by directing the FEMA Administrator to undertake a broad range of activities before and after disasters.

Although, Congress has responded to the devastation of the Gulf Coast region by providing billions of dollars in assistance, more resources are needed to expedite the economic recovery in this region.

Mr. Speaker, I commend my colleague Representative William Jefferson for introducing this legislation and urge the swift passage of this bill.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE 2007 NBA CHAMPION SAN ANTONIO SPURS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 490) honoring the 2007 NBA Champion San Antonio Spurs, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 490

Whereas on June 14, 2007, the San Antonio Spurs won the 2007 National Basketball Association (NBA) Championship with a victory over the Cleveland Cavaliers;

Whereas the Spurs' win results in their fourth NBA Championship in the last 9 years;

Whereas the Spurs, after sweeping the Cavaliers to decisively win the Finals 4–0, are widely recognized as a modern-day basketball dynasty;

Whereas San Antonio's four-game sweep was only the eighth sweep since the finals began in 1947;

Whereas the Spurs' .727 winning percentage is the highest in finals history;

Whereas under the leadership and instruction of Coach Gregg Popovich, the Spurs' Tony Parker, Tim Duncan, Manu Ginobili, Robert Horry, Bruce Bowen, Michael Finley, Fabricio Oberto, Francisco Elson, Jacque Vaughn, and Brent Barry played together as a team with determination and resolve to bring the NBA trophy back home to the Alamo City;

Whereas Tony Parker was named the Finals Most Valuable Player after using his speed and quickness to average 24.5 points and an amazing 57 percent from the field during the Finals, becoming the first European-born player to be honored as MVP;

Whereas Tim Duncan and Bruce Bowen anchored the Spurs with stifling defense throughout the NBA Finals;

Whereas Manu Ginobili used his pinpoint three-point shooting and strong drives to the basket to lead the Spurs to victory in Game 4 with 27 points;

Whereas Coach Gregg Popovich is recognized as one of the greatest coaches of all time after winning his fourth NBA Championship; and

Whereas San Antonio has the best fans in the league and the Alamo City is the perfect setting for a championship celebration: Now, therefore, be it

Resolved, That the House of Representatives congratulates the San Antonio Spurs and Coach Gregg Popovich for winning the 2007 National Basketball Association Championship.

Mr. DAVIS of Illinois. Mr. Speaker, on June 14, 2007, the San Antonio Spurs won the 2007 National Basketball Association (NBA) Championship with a victory over the Cleveland Cavaliers. This was the Spurs fourth NBA Championship in the last 9 years.

I join all my colleagues in congratulating the San Antonio Spurs and Coach Gregg Popovich for winning the 2007 National Basketball Association Championship.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE DETROIT TIGERS FOR WINNING THE 2006 AMERICAN LEAGUE PENNANT

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 488) congratulating the Detroit Tigers for winning the 2006 American League Pennant and for bringing the City of Detroit and the State of Michigan their first trip to the World Series in 22 years, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 488

Whereas this is the 10th American League Pennant won by the Detroit Tigers;

Whereas Manager Jim Leyland is a 3 time Manager of the Year and 1 of 7 managers in the history of baseball to win the pennant in both the National and American Leagues;

Whereas the manager and coaching staff have done a remarkable job guiding this team to victory;

Whereas General Manager Dave Dombrowski and Owner Mike Ilitch have assembled and led a team that has revitalized the Tigers franchise;

Whereas all 25 players on the playoff squad contributed to their remarkable postseason victories over the New York Yankees and the Oakland Athletics, including American League Rookie of the Year Justin Verlander, as well as Magglio Ordóñez, Iván Rodríguez, Jeremy Bonderman, Kenny Rogers, Sean Casey, Carlos Guillén, Alexis Gómez, Omar Infante, Plácido Polanco, Brandon Inge, Craig Monroe, Marcus Thames, Curtis Granderson, Ramón Santiago, Neifi Pérez, Nate Robertson, Todd Jones, Jason Grilli, Zach Miner, Wilfredo Ledezma, Fernando Rodney, Joel Zumaya, Jamie Walker, and Vance Wilson;

Whereas the Detroit Tigers have a history of great players and managers, including Ty Cobb, Al Kaline, Hank Greenberg, and Sparky Anderson;

Whereas Detroit has a vibrant sports tradition because Michigan fans have faithfully supported their teams; and

Whereas the New York Yankees and Oakland Athletics proved worthy and honorable opponents during the post-season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Detroit Tigers on winning the 2006 American League Pennant; and

(2) commends the players, coaches, management, and all the other personnel of the Detroit Tigers, as well as the fans, on this great victory.

Mr. DAVIS of Illinois. Mr. Speaker, the Detroit Tigers has won 10 American League Baseball Pennants. In 2006, they made their first trip to the World Series in 22 years.

I join all my colleagues in congratulating the Detroit Tigers on winning the 2006 American League Pennant. Additionally, we commend the players, coaches, management, and fans for this great victory and accomplishment.

Mr. Speaker, I commend my colleague Representative MIKE ROGERS for seeking to congratulate the Detroit Tigers for winning the 2006 American League Pennant and for bring the City of Detroit and the State of Michigan their first trip to the World Series in 22 years and urge the swift passage of this bill.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FRANK G. LUMPKIN, JR. POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2309) to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the ''Frank G. Lumpkin, Jr. Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2309

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

SECTION 1. FRANK G. LUMPKIN, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, shall be known and designated as the ''Frank G. Lumpkin, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Frank G. Lumpkin, Jr. Post Office Building''.

Mr. DAVIS of Illinois. Mr. Speaker, Frank Lumpkin, Jr. was born in Columbus on September 5, 1907. He was reared in Columbus, attended the 16th Street, now Woodall Elementary, School and Columbus High School, graduating from Riverside Military Academy in Gainesville, Georgia, in 1925. He was the first college football player from the University of Georgia to turn professional by joining the Philadelphia Eagles in 1933.

Mr. Lumpkin was stationed at the Pentagon during World War II. He developed an ordinance distribution plan that the British government said, ''shortened the war by months.'' Mr. Lumpkin later served under General George Patton in Europe as a Lieutenant Colonel in the 709th Tank Battalion.

Mr. Lumpkin was President of Willcox-Lumpkin Company an insurance agency founded by his grandfather, D. F. Willcox, in 1848, where he built his family's business into an internationally known firm that traded to 18 countries.

Mr. Speaker, I commend my colleague Representative LYNN WESTMORELAND for introducing this legislation and I urge the swift passage of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONGRATULATING THE NHL CHAMPIONS, THE ANAHEIM DUCKS, ON THEIR VICTORY IN THE 2007 STANLEY CUP FINALS

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 471) congratulating the National Hockey League Champions, the Anaheim Ducks, on their victory in the 2007 Stanley Cup Finals, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 471

Whereas on June 6, 2007, in Anaheim, California, the Anaheim Ducks won the National Hockey League Stanley Cup, with a 6–2 victory over the Ottawa Senators in the decisive fifth game of the championship series;

Whereas the Ottawa Senators proved worthy opponents and should be congratulated for a hard-fought Stanley Cup series;

Whereas the Ducks' win marked their first Stanley Cup title in franchise history;

Whereas the Ducks' win marked the first National Hockey League sports championship won by a team from the State of California;

Whereas owners Henry and Susan Samueli and general manager Brian Burke have created a model franchise, assembling a team that rose from an unstable past to the pinnacle of its sport today;

Whereas the Ducks were ably led by head coach Randy Carlyle, and assistant coaches Newell Brown and Dave Farrish;

Whereas Ducks team members Francois Beauchemin, Ilya Bryzgalov, Sebastien Caron, Ryan Carter, Joe DiPenta, Ryan Getzlaf, Jean-Sebastien Giquere, Mark Hartigan, Kent Huskins, Chris Kunitz, Ric Jackman, Todd Marchant, Brad May, Andy McDonald, Drew Miller, Travis Moen, Joe Motzko, Scott Niedermayer, Rob Niedermayer, Sean O'Donnell, Samuel Pahlsson, George Parros, Dustin Penner, Corey Perry, Chris Pronger, Aaron Rome, Teemu Selanne, Ryan Shannon, and Shawn Thorton, are all worthy of praise and admiration for their contributions to the resilient championship team;

Whereas Scott Niedermayer, the Ducks' team captain and a 33-year old veteran, was awarded the Conn Smythe Trophy as the most valuable player of the National Hockey League post-season;

Whereas the Anaheim Ducks introduced a new future for the National Hockey League, creating new fans of the sport's high level of athleticism and competition;

Whereas the entire Ducks organization has contributed considerably to the community it represents, generously donating time and resources to a variety of charitable and educational programs for children throughout the State of California; and

Whereas Anaheim, and all of California, are proud of the accomplishment and dedication of the Anaheim Ducks organization and fans: Now, therefore, be it

Resolved, That the House of Representatives congratulates the National Hockey League Champions, the Anaheim Ducks, on their victory in the 2007 Stanley Cup Finals.

Mr. DAVIS of Illinois. Mr. Speaker, on June 6, 2007, in Anaheim, California, the Anaheim Ducks won the National Hockey League Stanley Cup. They won with a 6–2 victory over the Ottawa Senators in the decisive fifth game of the championship series. The Ottawa Senators were worthy opponents and should be congratulated for a hard-fought Stanley Cup series. The Ducks' win marked their first Stanley Cup title in franchise history and by a team from the State of California.

I join all my colleagues in congratulating the National Hockey League Champions, the Anaheim Ducks, on their victory in the 2007 Stanley Cup Finals.

Mr. Speaker, I commend my colleague Rep. LORETTA SANCHEZ for seeking to congratulate the Anaheim Ducks as the National Hockey League Champions and urge the swift passage of this bill.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in jubilant support of H. Res. 471, recognizing the Anaheim Ducks and their victory over the Ottawa Senators in the National Hockey League Stanley Cup Finals. I applaud the House's consideration of this exciting measure.

The Ottawa Senators proved to be worthy opponents, but they were no match for the hard hitting, exciting brand of hockey of Ducks general manager Brian Burke and head coach Randy Carlyle.

The 6–2 win to clinch the title was a display of solid teamwork as five different Ducks scored goals.

The Ducks teamwork was buttressed by the awe inspiring defensive work of Scott Niedermayer, who was honored as the most valuable player of the NHL post-season.

Their work is a true accomplishment. Not only did the Anaheim Ducks bring the Stanley Cup to Anaheim for the first time, but they are the first team from California to win it all.

With that, Mr. Speaker, we congratulate the Anaheim Ducks for their marvelous play and celebrate their victory in the 2007 Stanley Cup Finals.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVATE FIRST CLASS SHANE R. AUSTIN POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 3034) to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the ''Private First Class Shane R. Austin Post Office,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3034

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

SECTION 1. PRIVATE FIRST CLASS SHANE R. AUSTIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, shall be known and designated as the ''Private First Class Shane R. Austin Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Private First Class Shane R. Austin Post Office''.

Mr. DAVIS of Illinois. PFC Shane R. Austin was killed on October 8, 2006, when a grenade struck his tank in Ramadi, Iraq, west of Baghdad. He was assigned to the 1st Battalion, 35th Armor Regiment, 2nd Brigade Combat Team, 1st Armored Division in Baumholder, Germany.

Private Austin's grandmother said, ''Although the emptiness and numbness is with the entire family, we hold the pride high that Shane was a hero before he left for the military, but now he is everybody's hero. Military was his dream; he intended to make it a career and that he accomplished . . . it was just a short career.''

Private Austin served his country with distinction and courage.

Mr. Speaker, I commend my colleague Representative DENNIS MOORE for introducing this legislation and urge the swift passage of this bill.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of H.R. 3034, legislation I have introduced with the rest of the Kansas delegation to rename the Gardner, KS, postal service facility the ''Private First Class Shane R. Austin Post Office.''

Private First Class Shane Austin grew up in Edgerton, KS, and attended Gardner-Edgerton High School before joining the U.S. Army. PFC Austin was 19 years old when he was killed on October 8, 2006, while serving in the United States Army's First Armored Division, during combat operations in Ramadi, Iraq. For his heroism, and for saving the lives of several fellow soldiers, Shane was awarded the Purple Heart and the Bronze Star.

According to Captain Daniel Costin, Shane was a quiet, unassuming man who worked hard, whether it was cutting grass in rear detachment or conducting maintenance on his tank.

Shane's father Terrance also said that while Shane was a bit on the wild side before leaving for boot camp, when Shane came home after finishing basic training he stood tall, stared you straight in the eye, and had a firm handshake.

On October 8, 2006, Shane courageously sacrificed the most precious thing a person can offer to his country—his life; and our country, the state of Kansas, and the Gardner-Edgerton community owes Shane and his family absolute gratitude for the rights and freedoms that he so heroically fought to protect.

Shane also follows in the path of a long line of brave and courageous individuals from the Gardner-Edgerton area who have given the ultimate sacrifice to protect those same rights and liberties. In fact, soldiers from the area have given their lives in service to their country in the Civil War, World War I, World War II, the Korean War, and the Vietnam War, and their sacrifice must also be remembered and honored.

So today I am proud to join with my colleagues in remembering these brave individuals, and in offering this remembrance so that our community never forgets the sacrifice that a brave soldier from Kansas made for his country.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BUCK OWENS POST OFFICE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 1384) to designate the facility of the United States Postal Service located at 118 Minner Street in Bakersfield, California, as the ''Buck Owens Post Office,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1384

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

SECTION 1. BUCK OWENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 118 Minner Street in Bakersfield, California, shall be known and designated as the ''Buck Owens Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Buck Owens Post Office''.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois:

Strike all after the enacting clause and insert the following:

SECTION 1. BUCK OWENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, shall be known and designated as the ''Buck Owens Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Buck Owens Post Office''.

The amendment was agreed to.

Mr. DAVIS of Illinois. Mr. Speaker, Mr. Buck Owens was among the most prolific country hit-makers of the past 40 years and enjoyed a string of chart-toppers, including ''Act Naturally'', ''Together Again'', and ''I've Got a Tiger by the Tail''. He was a major influence on successive generations of musicians.

He was born as Alvis Edgar Owens in Sherman, Texas on August 12, 1929. He died on March 25, 2006 in Bakersfield, California.

Mr. Speaker, I commend my colleague Representative KEVIN MCCARTHY for introducing this legislation and urge the swift passage of this bill.

Mr. McCARTHY of California. Mr. Speaker, I rise today in strong support of H.R. 1384, a bill I introduced to designate the United States Postal Service facility located at 118 Minner Avenue in Bakersfield, California as the ''Buck Owens Post Office.''

An accomplished, self-taught musician, Alvis Edgar ''Buck'' Owens, Jr. amassed twenty-one country music hits throughout his career, of which ten were consecutive #1 hits, including ''Act Naturally,'' ''My Heart Skips a Beat,'' and ''Streets of Bakersfield.'' Over his more than 50 years in the music industry, Buck worked with other legendary country musicians including Merle Haggard, who dubbed Buck's band ''the Buckaroos,'' Wanda Jackson, and Dwight Yoakam.

Buck was best known for his signature ''freight train'' musical sound that combined classic country music with electric guitar, a unique rhythm, and rock and roll and honky-tonk influences, and always played his trademark red, white, and blue guitar. Buck was inducted into the Nashville Songwriters Hall of Fame and the Country Music Hall of Fame, both in 1996, for his musical talent and accomplishments. In 1999, Buck received a Grammy Hall of Fame Award for one of his #1 hits, ''I've Got a Tiger by the Tail.''

In addition to recording hit country music songs, for almost twenty years, Buck could be seen on Hee Haw, an immensely popular country music comedy show. Following Hee Haw and returning to his country music roots, Buck opened Buck Owens' Crystal Palace in 1996, a concert hall in Bakersfield, California, where Buck hosted other bands and performed live for fans up until the night he passed away, on March 25, 2006.

An astute businessman, Buck owned several radio stations, including KKXX-FM, which was under Buck's tenure for more than a decade the #1 rock-and-roll station in Bakersfield. In addition, Buck also owned KUZZ-AM, which he expanded to FM radio, and, up until his death, was and remains the #1 country music station in Bakersfield. Finally, Buck established his own music production company, Buck Owens Enterprises, which produced records by country music artists.

Buck moved to Bakersfield in 1951, and contributed greatly to the country music industry in Bakersfield and around the Nation and amassed a legion of fans, like myself, across the country. H.R. 1384 is a fitting honor and

tribute to this influential and charismatic Californian by designating the post office in his hometown of more than 55 years in his memory.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the 'Buck Owens Post Office'.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the 13 Committee on Oversight and Government Reform bills previously considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

DARFUR ACCOUNTABILITY AND DIVESTMENT ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 180) to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 180

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Darfur Accountability and Divestment Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) In the 108th Congress, the House of Representatives adopted House Concurrent Resolution 467 on July 22, 2004, by a unanimous vote of 422-0, which—

(A) declares that the atrocities unfolding in the Darfur region of Sudan are genocide;

(B) declares that the Government of Sudan has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(C) urges the Administration to seriously consider multilateral intervention to stop genocide in Darfur should the United Nations Security Council fail to act; and

(D) calls on the Administration to impose targeted sanctions, including visa bans and the freezing of assets of the Sudanese National Congress and affiliated business and individuals directly responsible for the atrocities in Darfur.

(2) In the 109th Congress, the House of Representatives passed H.R. 3127, the Darfur Peace and Accountability Act of 2006, on April 5, 2006, by a vote of 416-3, which—

(A) appeals to the international community, including the United Nations, the European Union, and the North Atlantic Treaty Organization (NATO), to immediately mobilize sufficient political, military, and financial resources to support and expand the African Union Mission in Sudan (AMIS);

(B) blocks assets and restricts travel of any individual the President determines is responsible for acts of genocide, war crimes, or crimes against humanity in the Darfur region of Sudan; and

(C) offers United States support for the International Criminal Court's efforts to prosecute those responsible for acts of genocide in Darfur.

(3) On September 9, 2004, former Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate that genocide was being committed in the Darfur region of Sudan and that the Government of Sudan and the government-supported Janjaweed militias bear responsibility for the genocide.

(4) On September 21, 2004, President George W. Bush affirmed the Secretary of State's finding in an address before the United Nations General Assembly, stating that the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes the Government of the United States has concluded are genocide.

(5) On May 29, 2007, President George W. Bush affirmed that the Government of Sudan is complicit in the bombing, murder, and rape of innocent civilians in Darfur and again declared that these actions rightfully constitute genocide.

(6) Although the Government of the United States currently bans United States companies from conducting business operations in Sudan, millions of Americans are inadvertently supporting the Government of Sudan by investing in foreign companies that conduct business operations in Sudan that disproportionately benefit the Sudanese regime in Khartoum.

(7) Several States and governmental entities, through legislation and other means, have expressed their desire, or are considering measures—

(A) to divest any equity in, or to refuse to provide debt capital to, certain companies that operate in Sudan;

(B) to disassociate themselves and the beneficiaries of their public pension and endowment funds from directly or indirectly supporting the Darfur genocide; and

(C) to prohibit themselves from entering into or renewing contracts for the procurement of goods or services with certain companies that have a direct investment in, or conduct business operations in, Sudan

(8) California, Colorado, Florida, Hawaii, Indiana, Illinois, Iowa, Kansas, Maine, Minnesota, New Jersey, New York, Oregon, Rhode Island, Texas and Vermont have passed legislation to divest State funds from companies that conduct business operations in Sudan. Massachusetts, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, and Wisconsin are considering legislation to divest State funds from companies that conduct business operations in Sudan. Arkansas, Connecticut, Maryland, and Ohio have passed non-binding divestment legislation with respect to Sudan.

(9) Denver, Colorado, Los Angeles, California, Miami Beach, Florida, New Haven, Connecticut, Newton, Massachusetts, Philadelphia, Pennsylvania, Pittsburgh, Pennsylvania, Providence, Rhode Island, and San Francisco, California have passed legislation mandating divestment of city funds from companies that conduct business operations in Sudan.

(10) American University, Amherst College, Andover Newton Theological School, Boston University, Bowdoin College, Brandeis University, Brown University, Colby College, Columbia University, Connecticut College, Cornell University, Dartmouth College, Drew University, Duke University, Emory University, Hampton University, Harvard University, Hendrix College, Howard University, Lee University, Massachusetts Institute of Technology, Middlebury College, Nazareth College, Northwestern University, Oberlin College, Queen's University, Reconstructionist Rabbinical College, Regis University, Samford University, Seton Hall, Smith College, Stanford University, Swarthmore College, Trinity College, University of California, University of Colorado, University of Connecticut, University of Denver, University of Illinois, University of Maryland, University of Massachusetts, University of Minnesota, University of Pennsylvania, University of Rochester, University of Southern California, University of Vermont, University of Virginia, University of Washington, University of Wisconsin System, Vassar College, Wellesley College, Wheaton College, Williams College, and Yale University have divested their funds from or placed restrictions on investment of their funds in certain companies that conduct business operations in Sudan.

(11) Divestment has proven effective in similar situations, as in 1986, when State pension funds and university endowments were divested from companies that conducted business operations in South Africa, which was critical to ending apartheid in that country, and by 1994, when the first free elections in South Africa took place, a substantial number of States, counties, cities, universities, and colleges in the United States had adopted partial or total divestment policies.

(12) Economic pressure against the Government of Sudan has been effective in pushing Sudan to cooperate with the United States on counterterrorism efforts and in part in agreeing to negotiations with the Sudan People's Liberation Army of South Sudan which resulted in the Comprehensive Peace Agreement of 2005.

(13) Congress acknowledges that divestment should be used sparingly and under extraordinary circumstances. This Act is based on unique circumstances, specifically, the reprehensible and abhorrent genocide occurring in Sudan.

(14) The business operations of companies in countries that perpetrate grave abuses of human rights, especially the uniquely monstrous crime of genocide, are of concern to many United States investors and citizens even when these operations represent a small fraction of a company's total business.

(15) State and city pension funds have routinely but unsuccessfully sought to acquire and utilize data from the Federal Government on companies for investment decisions.

(16) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that support the Government of Sudan.

(17) Policy makers and fund managers may find moral, prudential, or reputational reasons to divest from companies that accept the business risk of operating in countries that are subject to international economic

sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

(18) The world community has a moral obligation to work to do everything possible to stop the ongoing genocidal practices of the Government of Sudan in the Darfur region.

SEC. 3. TRANSPARENCY IN CAPITAL MARKETS.

(a) LIST OF PERSONS DIRECTLY INVESTING IN OR CONDUCTING BUSINESS OPERATIONS IN CERTAIN SUDANESE SECTORS.—

(1) PUBLICATION OF LIST.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter, the Secretary of the Treasury, in consultation with the Secretary of Energy, the Secretary of State, the Securities and Exchange Commission, and the heads of other appropriate Federal departments and agencies, shall, using only publicly available (including proprietary) information, ensure publication in the Federal Register of a list of each person, whether within or outside of the United States, that, as of the date of the publication, has a direct investment in, or is conducting, business operations in Sudan's power production, mineral extraction, oil-related, or military equipment industries, subject to paragraph (2). To the extent practicable, the list shall include a description of the investment made by each such person, including the dollar value, intended purpose, and status of the investment, as of the date of the publication.

(2) EXCEPTIONS.—The Secretary of the Treasury shall exclude a person from the list if all of the business operations by reason of which the person would otherwise be included on the list—

(A) are conducted under contract directly and exclusively with the regional government of southern Sudan;

(B) are conducted under a license from the Office of Foreign Assets Control, or are expressly exempted under Federal law from the requirement to be conducted under such a license;

(C) consist of providing goods or services to marginalized populations of Sudan;

(D) consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(E) consist of providing goods or services that are used only to promote health or education;

(F) are conducted by a person that has also undertaken significant humanitarian efforts as described in section 10(14)(B);

(G) have been voluntarily suspended; or

(H) will cease within 1 year after the adoption of a formal plan to cease the operations, as determined by the Secretary.

(3) CONSIDERATION OF SCRUTINIZED BUSINESS OPERATIONS.—The Secretary of the Treasury should give serious consideration to including on the list any company that has a scrutinized business operation with respect to Sudan (within the meaning of section 10(4)).

(4) PRIOR NOTICE TO PERSONS.—The Secretary of the Treasury shall, at least 30 days before the list is published under paragraph (1), notify each person that the Secretary intends to include on the list.

(5) DELAY IN INCLUDING PERSONS ON THE LIST.—After notifying a person under paragraph (4), the Secretary of the Treasury may delay including that person on the list for up to 60 days if the Secretary determines and certifies to the Congress that the person has taken specific and effective actions to terminate the involvement of the person in the activities that resulted in the notification under paragraph (4).

(6) REMOVAL OF PERSONS FROM THE LIST.—The Secretary of the Treasury may remove a person from the list before the next publication of the list under paragraph (1) if the Secretary determines that the person no longer has a direct investment in or is no longer conducting business operations as described in paragraph (1).

(7) ADVANCE NOTICE TO CONGRESS.—Not later than 30 days (or, in the case of the 1st such list, 60 days) before the date by which paragraph (1) requires the list to be published, the Secretary of the Treasury shall submit to the Committees on Financial Services, on Education and Labor, and on Oversight and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs, on Health, Education, Labor, and Pensions, and on Homeland Security and Governmental Affairs of the Senate a copy of the list which the Secretary intends to publish under paragraph (1).

(b) PUBLICATION ON WEBSITE.—The Secretary of the Treasury shall ensure that the list is published on an appropriate, publicly accessible government website, updating the list as necessary to take into account any person removed from the list under subsection (a)(6).

(c) DEFINITION.—In this section, the term ''investment'' has the meaning given in section 4(b)(3).

SEC. 4. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES DIRECTLY INVESTED IN CERTAIN SUDANESE SECTORS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support the decision of any State or local government to divest from, and to prohibit the investment of assets controlled by the State or local government in, persons on—

(1) the list most recently published under section 3(a)(1), as modified under section 3(a)(6); or

(2) any list developed by the State or local government for the purpose of divestment from certain persons described in subsection (b)(1)(B) of this section.

(b) AUTHORITY TO DIVEST.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in—

(A) persons that are included on the list most recently published under section 3(a)(1) of this Act, as modified under section 3(a)(6) of this Act; or

(B) persons having a direct investment in, or carrying on a trade or business (within the meaning of section 162 of the Internal Revenue Code of 1986) in Sudan or with the Government of Sudan, if the measures require the State or local government, as the case may be, to the maximum extent practicable, to—

(i) provide written notice to each person to whom the measures are to be applied; and

(ii) not apply the measures to a person—

(I) before the end of the 90-day period beginning with the date written notice is provided to the person pursuant to clause (i); or

(II) if the person demonstrates to the State or local government, as the case may be, that the person is no longer involved in the activities by reason of which the measures would otherwise be applied to the person.

(2) APPLICABILITY.—This subsection applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(3) DEFINITIONS.—In this subsection:

(A) INVESTMENT.—The ''investment'' of assets includes—

(i) a commitment or contribution of assets; and

(ii) a loan or other extension of credit of assets.

(B) ASSETS.—The term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled, directly or indirectly, by a State or local government.

(c) PREEMPTION.—A measure of a State or local government that is authorized by subsection (b) is not preempted by any Federal law or regulation.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that a divestment measure authorized under section 4 or a measure authorized under section 9 to prohibit State or local contracts would not violate the United States Constitution because such a measure—

(1) is not pre-empted under the Supremacy Clause;

(2) is authorized by the Congress as an appropriate measure with regard to interstate or foreign commerce; and

(3) is authorized by the Congress as a measure that promotes the foreign policy of the United States.

SEC. 6. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a–13) is amended by adding at the end the following new subsection:

''(c) SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company or person providing services to such registered investment company (including its investment adviser), or any employee, officer, or director thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by companies that are included on the list most recently published under section 3(a)(1) of the Darfur Accountability and Divestment Act, as modified under section 3(a)(6) of that Act. For purposes of this subsection the term 'person' shall include the Federal government, and any State or political subdivision of a State.''.

SEC. 7. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY EMPLOYEE BENEFIT PLANS.

Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

''(n) No person shall be treated as breaching any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title for divesting plan assets from, or avoiding investing plan assets in, persons that are included on the list most recently published under section 3(a)(1) of the Darfur Accountability and Divestment Act, as modified under section 3(a)(6) of such Act. Any divestiture of plan assets from, or avoidance of investing plan assets in, persons that are included on such list shall be treated as in accordance with this title and the documents and instruments governing the plan.''.

SEC. 8. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Government of the United States shall not enter into or renew a contract for the procurement of goods or services with persons that are included on the list most recently published under section 3(a)(1), as modified under section 3(a)(6).

(b) WAIVER AUTHORITY.—The President may waive the prohibition in subsection (a)

on a case-by-case basis if the President determines and certifies in writing to the Congress that it is important to the national security interests of the United States to do so.

SEC. 9. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO PROHIBIT CONTRACTS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support the decision of any State or local government to prohibit the State or local government, as the case may be, from entering into or renewing a contract as described in subsection (b).

(b) AUTHORITY TO PROHIBIT CONTRACTS.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to prohibit the State or local government, as the case may be, from entering into or renewing a contract for the procurement of goods or services with persons that are included on the list most recently pulbished under section 3(a)(1), as modified under section 3(a)(6).

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) PERSON.—The term ''person'', except in paragraph (6), means—

(A) a natural person as well as a corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act); and

(C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).

(2) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(3) STATE OR LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''State or local government'' includes—

(i) any State and any agency or instrumentality thereof;

(ii) any local government within a State, and any agency or instrumentality thereof;

(iii) any other governmental instrumentality; and

(iv) any public institution of higher education.

(B) PUBLIC INSTITUTION OF HIGHER EDUCATION.—The term ''public institution of higher education'' means a public institution of higher education within the meaning of the Higher Education Act of 1965.

(4) SCRUTINIZED BUSINESS OPERATION.—A company has a scrutinized business operation with respect to Sudan if—

(A)(i) the company has business operations that involve contracts with or provision of supplies or services to—

(I) the Government of Sudan;

(II) a company in which the Government of Sudan has any direct or indirect equity share;

(III) a consortium or project commissioned by the Government of Sudan; or

(IV) a company involved in a consortium or project commissioned by the Government of Sudan; and

(ii)(I)(aa) more than 10 percent of the revenues or assets of the company that are linked to Sudan involve oil-related activities or mineral extraction activities;

(bb) less than 75 percent of the revenues or assets of the company that are linked to Sudan involve contracts with, or provision of oil-related or mineral extracting products or services to the regional government of southern Sudan or a project or consortium created exclusively by that regional government; and

(cc) the company has failed to take substantial action with respect to the business operations referred to in clause (i) of this subparagraph or as described in subparagraph (B) or (C) of paragraph (14); or

(II)(aa) more than 10 percent of the revenues or assets of the company that are linked to Sudan involve power production activities;

(bb) less than 75 percent of the power production activities of the company include projects whose intent is to provide power or electricity to the marginalized populations of Sudan; and

(cc) the company has failed to take substantial action with respect to the business operations referred to in clause (i) of this subparagraph or as described in subparagraph (B) or (C) of paragraph (14);

(B) the company supplies military equipment in Sudan, unless the company clearly shows that—

(i) the military equipment cannot be used to facilitate offensive military actions in Sudan; or

(ii) the company implements rigorous and verifiable safeguards to prevent use of the equipment by forces actively participating in armed conflict, including through—

(I) post-sale tracking of the equipment by the company;

(II) certification from a reputable and objective third party that such equipment is not being used by a party participating in armed conflict in Sudan; or

(III) sale of the equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization; or

(C) the Secretary of the Treasury has determined that the company has been complicit in the Darfur genocide.

(5) BUSINESS OPERATIONS.—The term ''business operations'' means engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(6) COMPANY.—The term ''company'' means any natural person, legal person, sole proprietorship, organization, association, corporation, partnership, firm, joint venture, franchisor, franchisee, financial institution, utility, public franchise, trust, enterprise, limited partnership, limited liability partnership, limited liability company, or other business entity or association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such business entities or associations, that exists for profit-making purposes.

(7) COMPLICIT.—The term ''complicit'' means has taken actions in the preceding 20 months which have directly supported or promoted the genocidal campaign in Darfur, including preventing Darfur's victimized population from communicating with each other, encouraging Sudanese citizens to speak out against an internationally approved security force for Darfur, actively working to deny, cover up, or alter evidence of human rights abuses in Darfur, or other similar actions.

(8) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' means the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front) or any successor government formed on or after October 13, 2006 (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan), and does not include the regional government of southern Sudan.

(9) MARGINALIZED POPULATIONS OF SUDAN.—The term ''marginalized populations of Sudan'' includes—

(A) the portion of the population in the Darfur region that has been victimized;

(B) the portion of the population of southern Sudan victimized by Sudan's North-South civil war;

(C) the Beja, Rashidiya, and other similarly affected groups of eastern Sudan;

(D) the Nubian and other similarly affected groups in Sudan's Abyei, Southern Blue Nile, and Nuba Mountain regions; and

(E) the Amri, Hamadab, Manasir, and other similarly affected groups of northern Sudan.

(10) MILITARY EQUIPMENT.—The term ''military equipment'' means—

(A) weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems or military-grade transport vehicles; or

(B) supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

(11) MINERAL EXTRACTION ACTIVITIES.—The term ''mineral extraction activities'' includes—

(A) exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc, and

(B) facilitating any activity described in subparagraph (A), including by providing supplies or services in support of the activity.

(12) OIL-RELATED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''oil-related activities'' includes—

(i) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading oil;

(ii) constructing, maintaining, or operating a pipeline, refinery, or other oilfield infrastructure; and

(iii) facilitating any activity described in clause (i) or (ii), including by providing supplies or services in support of the activity.

(B) SPECIAL RULES.—

(i) A company that is involved in the retail sale of gasoline or related consumer products in Sudan but is not involved in any other activity described in subparagraph (A) shall not be considered to be involved in an oil-related activity.

(ii) A company that is involved in leasing, or that owns, rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A) shall not be considered to be involved in an oil-related activity.

(13) POWER PRODUCTION ACTIVITIES.—The term ''power production activities'' means—

(A) any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar Government of Sudan entity whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, providing service contracts related to the installation or maintenance of the project; and

(B) facilitating an activity described in subparagraph (A), including by providing supplies or services in support of the activity.

(14) SUBSTANTIAL ACTION.—The term ''substantial action'' means—

(A) adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within 1 year after the date of the enactment of this Act, and refraining from any new scrutinized business operations;

(B) undertaking significant humanitarian efforts—

(i) in conjunction with an international development or humanitarian organization, the regional government of southern Sudan, or a non-profit entity;

(ii) substantial in relationship to the size and scope of the business operations with respect to Sudan;

(iii) of benefit to 1 or more marginalized populations of Sudan; and

(iv) evaluated and certified by an independent third party to meet the requirements of clauses (i) through (iii); or

(C) materially improving conditions for the victimized population in Darfur.

SEC. 11. SENSE OF THE CONGRESS.

It is the sense of the Congress that the governments of all other countries should adopt measures, similar to those contained in this Act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to authorize divestment from, and the avoidance of further investment in, the persons.

SEC. 12. SUNSET.

This Act shall terminate 30 days after the date on which—

(1) the President has certified to Congress that—

(A) the Darfur genocide has been halted for at least 12 months; and

(B) the Government of Sudan has honored its commitments to—

(i) abide by United Nations Security Council Resolution 1706;

(ii) cease attacks on civilians;

(iii) demobilize and demilitarize the Janjeweed and associated militias;

(iv) grant free and unfettered access for delivery of humanitarian assistance; and

(v) allow for the safe and voluntary return of refugees and internally displaced persons; and

(2) the United States has revoked all sanctions against the Government of Sudan and the officials of such government, including sanctions authorized by—

(A) the Sudan Peace Act (Public Law 107–245);

(B) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497);

(C) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177);

(D) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344); and

(E) any other Federal law or executive order.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good day for the cause of human rights and for drawing on the strength of the American people to vindicate the values that are so widely shared among our people.

This bill is part of a package of two. Subsequently we will deal with a bill involving the country of Iran. Both of them have a similar purpose; namely, to empower Americans in their individual capacities, through their State governments, through organizations to express in a concrete way the overwhelming opposition in our country to the genocide being perpetrated by the Government of Sudan in Darfur, and to the effort by the sometimes pro-genocide Government of Iran to acquire a nuclear weapons capacity.

Now what we have, we have sanctions against those countries. Let me say a word about sanctions. People are sometimes supportive of sanctions when they agree with the cause and denigrate the notion of sanctions when they disagree with the cause. History is clear. When economic sanctions are widely supported globally, they have an impact.

I had a great day years ago, Mr. Speaker, standing in Statutory Hall and listening to Nelson Mandela thank the Congress of the United States because we had enacted sanctions. He said that the enactment of sanctions by the U.S. as part of a worldwide enactment of sanctions brought an end to apartheid earlier than it would have otherwise. Our former colleague, Mr. Dellums, the mayor of Oakland, had a very proud day then. He had been the leader of it, and it is very fitting that the initiator of the bill we are dealing with today is his successor, the gentlewoman from California (Ms. LEE), who has been the driving force in the bill we have before us.

And what we have is this: There are American citizens, State governments and others who have funds invested in collective investment entities. They have invested the funds to get a maximum return, pension funds, State governments and others, individuals in mutual funds. And they have in many cases gone to the investment entity and said, We don't want our money helping the dictatorship of Iran go nuclear. We don't want our money used to perpetuate genocide in Darfur and help a government that does that. We want you to sell our investments in companies that are complicit in this through economic support.

And they have been met in some cases by the argument, Well, we can't do that because we have a fiduciary responsibility as the investment entity to maximize returns, and, therefore, we cannot sell this company and that company. And to the extent that they are complicit in Darfur and complicit in Iran's nuclear weapons, that is irrelevant.

Mr. Speaker, I think that is often more of an excuse than a reason. But today, we render that debate moot because the two bills we are dealing with, now with Darfur and subsequently with Iran, do not compel any investment entity to do anything. These are not bills of compulsion. They fully respect the market. What they say is, if you are a mutual fund, if you are a pension fund manager, and significant numbers of the investors in your entity or the beneficiaries of your entity come to you and say, Clean my hands; I do not want to be financing these outrageous regimes and their terrible practices, you cannot plead, Oh, I am sorry. The law won't let me do it, because these bills have a common theme. They prevent lawsuits against these investment entities who take these issues into account.

And they have a powerful double effect. First, they will add to the effectiveness of sanctions because there is in the United States widespread anger at both regimes. Not only will they add to the effectiveness of sanctions, they do it in a way that is fully respectful of the autonomy of these entities. As I said, there is no compulsion, no interference of the market. It is freeing Americans to do this, and that is also important because you have the regime in Iran and you have the regime in Sudan trying to avoid the public obloquy that they so richly deserve by saying that is just the American administration. They try to separate the President and his policies in opposition to both of these from the American people.

What these bills do is to make it clear, as I think they soon will once they are law, that the opposition to the genocide in Sudan and to the weapons nuclearization in Iran are widespread throughout this country, and that this opposition is not just the President and not just the Congress. It is a broad, deeply held American view.

One final point. A letter from National Council on Foreign Trade complained that with these bills we were going to let the States get into the foreign policy business. No, this is the Congress of the United States into the foreign policy business. This does not say that any mutual fund anywhere at any time can divest for foreign policy reasons. I think, by the way, they already have that right, and we make it clear in this bill. We are not trying to say that they don't.

But what this package of bills does is these two bills makes two foreign policy judgments. The United States Congress, by passing these bills, will say we have an absolute horror about the genocide in Darfur and want to do everything we can to put an end to it, and we are overwhelmingly opposed to the regime in Iran acquiring nuclear weapons. These are two very specific foreign policy judgments that Congress will make. We will then be empowering people in the United States to join us in implementing them. But the argument that this somehow throws open the foreign policy process willy-nilly is simply wrong.

I submit the following correspondence:

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 27, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 180, the Darfur Accountability and Divestment Act.

As you know, Section 7 of H.R. 180 amends the Employee Retirement Income Security Act of 1974 to provide a safe harbor for

changes of investment policies. I am writing to confirm that this provision falls within the jurisdiction of the Committee on Education and Labor.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest and prerogative in H.R. 180 or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Sincerely,

GEORGE MILLER,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your recent letter regarding the consideration of H.R. 180, the Darfur Accountability and Divestment Act. I agree that Section 7 of H.R. 180 falls within the jurisdiction of the Committee on Education and Labor.

I appreciate your willingness to allow this bill to move forward today; and I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Education and Labor.

Sincerely,

BARNEY FRANK,
Chairman.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 27, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 180, the Darfur Accountability and Divestment Act.

As you know, on July 26, 2007, the Committee on Financial Services ordered H.R. 180 reported to the House. The Committee on Oversight and Government Reform (Oversight Committee) appreciates your effort to consult regarding those provisions of H.R. 180 that fall within the Oversight Committee's jurisdiction and more specifically, those sections involving federal contracting rules.

In the interest of expediting consideration of H.R. 180, the Oversight Committee will not separately consider this bill. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 180 or a similar Senate bill be considered in conference with the Senate.

I also request that you include our exchange of letters on this matter in the Financial Services Committee Report on H.R 180 or in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: Thank you for your letter concerning H.R. 180, the ''Darfur Accountability and Divestment Act,'' which the Committee on Financial Services has ordered reported. The bill was also referred to the Committee on Oversight and Government Reform. This legislation will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I am pleased that our committees have reached an agreement regarding matters within the jurisdiction of the Oversight Committee, specifically those involving federal contracting rules. I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision not to proceed on this bill will not prejudice the Committee on Oversight and Government Reform with respect to its prerogatives on this or similar legislation. I would support your request for conferees in the event of a House-Senate conference.

I will include this exchange of correspondence in the Congressional Record during the consideration of the bill. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 30, 2007.

Hon. BARNEY FRANK:
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 180, the Darfur Accountability and Divestment Act of 2007. I understand that there are certain provisions of this legislation, as it will be presented to the full House, that fall within the Rule X jurisdiction of the Committee on Foreign Affairs.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

I would ask that you place this letter into the Congressional Record when the Committee has H.R. 180 under consideration.

Sincerely,

TOM LANTOS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

□ 1245

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise today to join with the chairman in support of H.R. 180, the Darfur Accountability and Divestment Act.

I'm increasingly concerned, I'm outraged in a sense, about the continuing atrocities in the Darfur region of Sudan. Without question, the horrific actions of the janjaweed militia and the Sudanese Government must immediately end. And the nations of the world must speak in unison against this genocide, and that is what it is, a genocide.

Hundreds of thousands of civilians have been killed, many of them in particularly brutal ways. Another estimated 2 million in Darfur have been displaced refugees, plus hundreds of thousands in Chad. This is a crisis that must be addressed now and must be addressed on each and every front.

Unfortunately, the international community, specifically in the United Nations, the U.N. has consistently failed in efforts to bring peace to this region. U.N. resolutions have lacked the teeth or failed to be implemented, and that is because of the Security Council members such as China and Russia as they continue to stall the progress.

So as the U.N. slowly moves towards a real peacekeeping force, other groups are being forced to pull out because of violence in the region. Thus, recently, OxFam announced in June that they will have to pull out of the largest camp in Darfur, where more than 130,000 people have found shelter; and without a way to protect humanitarian aid flowing into the area, thousands more will face starvation.

That is why I'm pleased we are bringing this important legislation to the floor today, the Darfur Accountability and Divestment Act.

It requires the Secretary of the Treasury to create a list of companies that have a direct investment in or are conducting businesses operations in Sudan's power, mineral, oil or military equipment industries.

It authorizes States and local municipalities to divest based on the Treasury list or other lists to protect them from lawsuits.

It amends the Investment Company Act of 1940 and the Employee Retirement Income Security Act of 1974 to protect mutual funds and pension funds from lawsuits if they choose to divest from companies on the Treasury list.

And finally, fourthly, it prohibits the U.S. Government from entering into or renewing contracts with companies on that list.

I was very pleased, as I say, Mr. Speaker, with the chairman working in a bipartisan manner with myself and Ranking Member BACHUS on the committee, and we agreed to make a number of changes to the bill to address some of the concerns made from our side of the aisle. One of the specific changes that was made was calls on countries around the world to take similar steps with regard to the situation.

The section states: ''It is the sense of the Congress that the governments of all other countries should adopt measures, similar to those contained in this act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to

authorize divestment from, and the avoidance of further investment in, the persons.''

As the distinguished ranking member of the committee, Mr. BACHUS, has noted, ''Economic and financial considerations are important, but in a loving Nation can never be as justification for complicity in genocide. Closing our financial markets to those who participate directly or indirectly in the slaughter of innocent human beings is well within our ability and ought to be a bedrock principle. America is a loving Nation, and allowing our financial markets to be utilized by an evil regime which conducts religious and racial genocide is inconsistent with our values and principles.''

With that, Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I ask that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to inject into the RECORD at this point a letter from 41 national organizations, the Save Darfur Coalition, strongly supporting this legislation.

Washington, DC, July 30, 2007.

DEAR MEMBER OF CONGRESS: We write to request your vote in favor of H.R. 180, the Darfur Accountability and Divestment Act, which is ''under suspension'' and scheduled for a floor vote on Monday, July 30th.

Three years ago this month the United States Congress recognized the crisis in Darfur, Sudan as genocide. Today, the escalating violence in the region demands that Congress take decisive action.

Together our organizations represent concerned Americans from all states and of many faiths—Darfur advocates and American citizens from across the political spectrum working together to end the genocide.

We strongly endorse the spirit and substance of H.R. 180 and encourage its quick passage. This legislation will be a powerful action to put much-needed economic pressure on Sudan with the goal of stopping genocide. Thank you for your consideration of this legislation.

Sincerely,

Bill Wasserman, Executive Director, Save Darfur Coalition; Jason F. Isaacson, Director, Government and International Affairs, American Jewish Committee; Ruth Messinger, Executive Director, American Jewish World Service; Bryan Ardouny, Executive Director, Armenian Assembly of America; Gedlu B. Metaferia, Executive Director, African Mutual Assistance Association of Missouri; Sylvia Oliva, Clerk of Peace and Social Concerns Committee, Annapolis Friends Meeting, Religious Society of Friends; Aram Hamparian, Executive Director, Armenian National Committee of America; Daniel S. Mariaschin, Executive Vice President, B'nai B'rith International; Raj Purohit, Senior Fellow, Citizens for Global Solutions; Imelda Gonzalez, General Councilor, Congregation of Divine Providence; Rabbi Marla J. Feldman, Director, Commission on Social Action of Reform Judaism; Bakheit Shata, Founder/Executive Director, Darfur Community Organization, Omaha, NE; Shirley Bodisch, OP, Dominican Sisters; Anita Sharma, Executive Director, ENOUGH: a project to end genocide and crimes against humanity; Eric Cohen, Chair, FidelityOutOfSudan.Com Campaign; Mark Hanis, Executive Director, Genocide Intervention Network; Nina Schwartz, Vice President, Help Darfur Now; Lisa Stenchever, Education Coordinator, Holocaust Museum and Study Center; Steve Gutow, Executive Director, Jewish Council for Public Affairs; Rabbi Shawn Zevit, Director of External Affiliations and Tikkun Olam, Jewish Reconstructionist Federation; Sr. Sheila Kinsey, OSF, Leader, Justice, Peace & Integrity of Creation Office Wheaton Franciscans, Wheaton, Illinois; Marie Lucey, OSF, Associate Director for Social Mission, Leadership Conference of Women Religious; Joellen McCarthy, BVM, Mary Ann Zollmann, BVM, Peggy Nolan, BVM, Leadership Team of the Sisters of Charity, BVM Dubuque, Iowa; Hilary O. Shelton, Director, NAACP Washington Bureau; Sr. Elizabeth Rogers, Justice and Peace Representative, North American Province of the Cenacle Sisters; Eddie L. Koen, Jr., National Chair, National Black Law Students Association; Rev. Dr. Bob Edgar, General Secretary, National Council of Churches; Martina W. Knee, Member, Executive Committee, San Francisco Bay Area Darfur Coalition; Andrea Schuver, Co-chair, Save Darfur of South Palm Beach; Julie Driscoll, SCN, Vice-President, Sisters of Charity of Nazareth; Sister Marilyn Gottemoeller, Sisters of Mercy, Regional Community of Cincinnati; Diana Oleskevich, CSJA, Justice Coordinator, Sisters of St. Joseph of Carondelet and Associates; Sister Catherine Marie Kreta, CSJ, Justice Coordinator, Sisters of St. Joseph of Carondelet—Los Angeles Province; Sister Patricia Murphy, CSJ, Sisters of St. Joseph of Carondelet—St. Louis Province; Sister Marge Wissman, Sisters of St. Francis, Oldenburg, IN; Scott Warren, Director, STAND: A Student Anti-Genocide Coalition; Gabriel Stauring, Co-Founder, Stop Genocide Now; Adam Sterling, Director, Sudan Divestment Task Force; Rob Mosher, Director, Government Affairs, U.S.-Armenia Public Affairs Committee; Dr. Geoff Tunnicliffe, International Director/CEO, World Evangelical Alliance; Czerina Patel, Executive Director, Yenza: Building Bridges, Spotlighting Success and Amplifying Voice in Africa.

Mr. Speaker, I yield 6 minutes to the main sponsor of the bill, as I said, the gentlewoman from California (Ms. LEE), who as a member in the last term of both the Foreign Affairs and Financial Services Committees was very well-suited to push this and continues to be a very strong supporter of it.

Ms. LEE. Mr. Speaker, let me begin by thanking my friend and colleague, the chairman of the Financial Services Committee, Congressman FRANK, for his tremendous leadership. Not only did you help us move this bill forward, but you helped, quite frankly, to make it a much better bill. So I want to thank Congressman FRANK, also your staff, Daniel McGlinchey, Jim Segal and Katie Lavelle for working with us over the last few months to craft this bill.

Also let me just thank and recognize Congressman LUIS GUTIERREZ, who chairs the subcommittee, for his support and assistance.

In addition, I must thank the Sudan Divestment Task Force and its staff and especially my staff, Lauren Jenkins and Christos Tsentos, as well as Sam Bell and Aysha House-Moshi, formerly of my staff, who really helped me and helped the groups around the country come together to put this bill together.

And let me thank our ranking member of the committee for his early leadership, Congressman BACHUS, as well as Congressman GARRETT, a cosponsor of this bill, and also Congressman DON PAYNE, FRANK WOLF and Senator BROWNBACK for testifying at the committee when this bill was heard.

And, lastly, let me just commend and thank our great Speaker, Speaker NANCY PELOSI, for her tremendous leadership, and also our majority leader, STENY HOYER, for making sure that our caucus works in a bipartisan fashion to keep this issue alive.

Thirteen years ago, the world stood by as nearly 1 million people were slaughtered in the genocide in Rwanda, and the best our country could do then was to apologize for failing to act after the fact. Many of us swore that another Rwanda would never again take place on our watch, but it is happening again.

Three years ago last week, on July 22, 2004, under the leadership of our good friend Congressman DON PAYNE, Congress finally formally declared the genocide was taking place in Darfur. Today, the genocide is getting worse. I have witnessed this horror on three occasions in Darfur; and let me tell you, it is getting worse.

Mr. Speaker, many of us in a bipartisan effort have spoken out repeatedly on the floor over the last three years in condemnation of the ongoing genocide in Darfur. These efforts have only intensified as we have sought to use each and every tool at our disposal to bring this genocide to an end.

In April, we passed a resolution urging our friends in the League of Arab States to exert their influence on the Government of Sudan.

In May, we called on the Defense Department to examine the rehabilitation of the Abeche airfield in Chad to support expanded humanitarian operations in Darfur.

And in June we passed another resolution urging the Chinese to leverage their very unique influence with Sudan to help end the genocide.

Today, we take another very important step forward by passing H.R. 180. This is bipartisan legislation which would support the growing grass-roots movement to divest from companies doing business in Sudan.

Organizations led by young people like STAND and the Save Darfur Coalition have been in the forefront of successful student divestment campaigns

across the country to pressure the Khartoum regime to end the genocide in Darfur, and we do owe them a debt of gratitude.

To date, over 54 universities, 19 States and 9 cities have passed divestment legislation to pull State and local funds out of companies that conduct business with Sudan.

Throughout our country, our constituents are standing up and demanding that their hard-earned money not be used to support a pariah government that is killing its own people.

My bill would authorize and support States, local governments, universities, mutual funds and pension plans that choose to divest from companies doing business in Sudan.

At the same time, we would prohibit the Federal Government from renewing or signing contracts with multinational companies doing business with Sudan. These businesses and industries are in the mineral and oil and military equipment industries. We want them to stop propping up this genocidal regime.

As we pursue divestment, we must also continue to support the rapid and unconditional deployment of the United Nations and African Union forces, along with free and unfettered access for groups providing humanitarian assistance. And we must continue to urge all parties to lay down their arms and come to the table to negotiate a political solution.

Every day we wait, killings, the rapes, the starvation, the dislocation, they all continue.

This genocide is happening on our watch. But this time, working together in a bipartisan coalition, we have the will and determination and the wherewithal to stop it. It worked with the racist apartheid regime in South Africa, and it can work with the genocidal regime in Sudan.

Not on our watch. Save Darfur, as the Save Darfur Coalition so passionately has said; and, today, I hope that the House of Representatives will say the same thing by passing H.R. 180.

Again, I want to thank the Financial Services Committee, and I must thank again Congressman FRANK for really making sure that what we intend to do we will do. And I want to thank Congressman FRANK again for making this a much stronger bill. We've worked on this for a couple of years, and I tell you working together in a bipartisan fashion we will end this horrific genocide in Darfur.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), ranking member of the Foreign Affairs Committee.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm proud to support the bill before us, H.R. 180, the Darfur Accountability and Divestment Act.

It was 3 years ago this month, Mr. Speaker, that Congress passed the historic resolution declaring that genocide was occurring in the Darfur region of western Sudan. This was the first time in the history of this body that genocide was declared as the atrocities were occurring.

The decision to evoke the word ''genocide'' at that time was not taken lightly, but the evidence of vast slaughter, aerial bombardments and forced displacements targeted against the African tribes in Darfur left us with little choice.

No one could claim that they did not understand the gravity of the human rights and the security crisis in Darfur. We read about it in the papers. We saw the images on television. We heard about it from humanitarian groups in the region, and some of us have now even seen it with our own eyes.

It was believed that, by making such a bold declaration, other responsible nations would feel compelled to join the United States in taking firm action to halt this senseless slaughter of innocent civilians in this far off place, but here we are 3 years later and the carnage in Darfur continues.

Hundreds of thousands have been killed, over 2 million others have been forced from their homes. Entire villages have been razed, crops and wells destroyed, and countless young women and girls raped. And here we are again forced to go it alone, for the sake of the victims of genocide in Sudan.

Currently, the U.N. Security Council is once again held hostage to the search for consensus. Council members are engaged in a senseless debate over the latest resolution on Darfur, fighting over whether deploying a truly capable peacekeeping mission, with a chapter 7 mandate to protect civilians, violates the so-called sovereignty of a genocidal regime.

Several of my colleagues and I traveled to the United Nations last week as part of a delegation led by our majority leader, STENY HOYER. We focused our efforts on securing support for immediate action by the United Nations, but we cannot afford to continue to wait.

I cannot forget the faces of the children and the families in the camps that I visited in April. Their eyes spoke volumes, piercing through our souls, clamoring for the world to help them.

It is, therefore, time once again to take bold action in the hope that it will finally compel the murderous regime in Khartoum to simply end this madness. We need to send a clear message to Khartoum that we are not fooled by their half measures and delay tactics and that we are serious about ending this conflict. And to do so we must speak in language that they will surely understand, the language of economic interests.

□ 1300

This Sudanese regime has proven time and time again that it responds only to real pressure. The only true leverage we have is to strike at their economic interest. H.R. 180 does exactly that. It requires that the Secretary of the Treasury publish and maintain a list of companies or entities whose business dealings directly benefit the regime in Khartoum. It enables State and local governments to divest from those companies and provide safe harbor to fund managers who do divest.

In essence, this allows the contributors to and the beneficiaries of State and local government pension funds to avoid directly or indirectly supporting genocide in Darfur. Divestment campaigns of this nature have drawn criticism by some who fear that they inappropriately violate the sanctity of U.S. markets.

It is true divestments should not be taken lightly. But in the case of genocide, we are bound by conscience and overarching U.S. values to do all that is within our power to intervene. Having served as witness to this catastrophe, I have no hesitation in supporting the cause of divestment.

In fact, it gives me great pride to say that in my own district, south Floridians have joined in this humanitarian effort. It is time to stop funding the war machine in Sudan. Adoption of this legislation today will no doubt put us at odds with a number of our allies, with members of the U.N. Security Council, and those with significant economic interest with Sudan, such as China.

Our labeling of the atrocities in Darfur as genocide also put us at odds with others. But their indifference did not deter us in 2004, and it must not deter us now. I urge my fellow Members to take a stand today on behalf of the people of Darfur and to support this important legislation.

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentlewoman from Florida, who has been a leader on human rights. Also, I should say that I am very proud of the bipartisan cooperation we have had in the Financial Services Committee on this.

Madam Speaker, I yield 3 minutes to one of the other main coauthors of this, the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for the time.

Madam Speaker, we have already banned U.S. companies from conducting business operations in Sudan. Now we need to enlist American investors to change the behavior of foreign-based multinationals, to make it clear that they cannot have the capital of well-meaning Americans and the supposed benefit of cozying up to the government in Khartoum.

The way to do this, the way to change the behavior of the Government of Sudan, is to change the behavior of multinational corporations. The way to change the behavior of multinational corporations is to change American investment policies.

Scores of private organizations in this country, including the University of Southern California, have already

divested; some 19 States have already adopted divestment policies. This bill helps divestiture in two ways. First, it provides some critical guidance to those who want to divest. Those who want to divest are faced first with the issue of what standards to apply: Do I want to divest in any company that sells a candy bar in Khartoum, or do I only want to divest against those companies selling guns to the Government of Sudan?

This bill focuses on those companies providing the strategic assistance that helps the Khartoum Government and empowers that government. It identifies the key investment sectors of the Sudanese economy that government relies upon. It draws the line that establishes a clear standard. Others may depart from that standard and have an absolute rule: I don't want to invest in anything, any company doing business in Sudan. But this bill provides guidance to those who want one.

Second, the issue is which companies do I not want to invest in. Here the bill provides a list published by the Secretary of the Treasury of those companies violating the standards identified in the bill.

As the chairman of our committee points out, investors already have the right to divest. They shouldn't wait for us to pass this bill. The fiduciary duty to protect one's beneficiaries is enhanced if you divest from those businesses doing business in Sudan, because investing in terror is bad business and the sign of bad management; it exposes a corporation to reputational risk.

Likewise, our cities and States have the right to decide for themselves how to invest their money. But even if you buy the constitutional view, and I don't, that they can only divest when consistent with American foreign policy, you don't have to wait for this bill. Sudan is on the terrorism list. There is no clearer statement of American foreign policy that we want all Americans, and all cities, counties and States, to join with the Federal Government in carrying out the Federal policy to put economic pressure on the government in Khartoum.

So I hope people will act now. To some extent, what this bill does in stating that fiduciaries are free to divest is simply provide an end to an excuse. They don't need the excuse. They ought to divest.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself 30 seconds.

I begin by saying that over the last couple of years there have been multiple genocides that occurred under the U.N.'s watch. There was Bosnia, Rwanda and now Darfur. Each time the U.N. has failed to take appropriate action. Each time it is because of political and economic pressure.

When the current situation arose in Darfur, the best that we could get out of the U.N. and then-Secretary General Kofi Annan was, at the anniversary of Rwanda, simply a statement on the floor of that anniversary and a moment of silence and the pledge this shall never happen again. Unfortunately, it has happened again. That is why we are here today.

Mr. Speaker, I yield 6 minutes to the gentleman and a strong fighter on this issue, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman very much and appreciate his work.

Mr. Speaker, I wanted to come here today. It's amazing, this suspension calendar has so many big bills. The chairman of the Financial Services Committee points out this is important legislation that we are discussing. It may be on the suspension calendar, but that's only because there is unanimity. There is a feeling on both sides of the aisle, Republican and Democrat, House and Senate, supporting these bills, as well as the White House.

We will be dealing with the Darfur Accountability Divestment Act of 2007, the Iran Sanctions Enabling Act of 2007. We are going to be expressing a sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into the sex trade. We are going to be urging the Government of Canada to end the outrageous commercial sea hunts. We will be amending the Iran Sanctions Act, and we will have a Belated Thank You to the Merchant Mariners of World War II Act, these brave men, in particular, and women, who basically risked their lives going back and forth to Europe and haven't gotten the recognition they deserve.

But let me speak specifically to Darfur. I rise in support of H.R. 180, which supports State, city and university efforts to divest funds or restrict investment in companies that conduct business operations in Sudan.

First, let me say I have tremendous respect for all those who have worked to raise awareness of this important issue, student groups and faith-based organizations, especially from the African-American, Jewish and Armenian communities have done a wonderful job, a really outstanding job of educating their fellow citizens and lawmakers about the crisis and the need to respond.

In addition, this body owes a debt of gratitude to Representative BARBARA LEE, Representative FRANK WOLF, Chairman TOM LANTOS and Chairman BARNEY FRANK, Ranking Member ILEANA ROS-LEHTINEN, and Ranking Member Mr. BACHUS and others who have kept the genocide of Darfur in our forefront and consciousness.

The world collectively agreed to never again allow genocide after the Holocaust and again after the mass murders of Rwanda in 1994. Tragically, genocide is taking place, and the United States must take all reasonable steps to end the killing.

The United States has made a tremendous commitment to the people of Darfur in the form of humanitarian aid and diplomatic efforts to end the genocide, but more must be done. Divestment is a very serious step for our government to take against a nation that does not threaten our security or the security of our allies.

It is a tool that must be used sparingly, but given the abhorrent crimes that continue to be committed against the Darfuri people, I believe it is a most appropriate act.

The bottom line, as this legislation states, is that no American should have to worry that his or her investment or pension money was earned in support of genocide.

I urge all Members to vote for H.R. 180 and continue our efforts and commitment to end violence in the Sudan.

I want to say, in closing, that we are going to have to consider even more significant acts. One is sanctions, but we may need to consider a no-fly zone, and, frankly, working with others, military force. Obviously we have to use our military sparingly, given their overuse in Iraq and Afghanistan, but can we expect that the African Union can do more than send 7,000 troops? We should be willing to pay for that, and we are.

Can we expect that Europe should be willing to step up and take action? They are rarely willing to, but in this case, I think we should expect they should, especially given their minimal role in Iraq and even their less than full participation in Afghanistan.

Can we expect NATO to step up? That involves the United States. Why not? And that at the very end, if nothing else happens, the U.S.

I was in Darfur in August of 2006, meeting with the governor of Northern Darfur. He was somewhat disturbed by the killings going on in his own country. But when I suggested that we might need to take other action like a no-fly zone, he was indignant. He was outraged. He couldn't accept it. That got his attention. He wasn't particularly concerned that his own people were killing each other with, frankly, the consent of its own government, but he was outraged to think that outside governments might come in and stop it.

We will have to deal with that outrage. We have to stop the killing.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to a member of the committee who has been working hard on this, the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, I also rise to support this legislation to treat the monstrous Bashir regime in the Sudan like the pariah it deserves to be. I also visited the Sudan in April as a member of a congressional delegation led by Majority Leader STENY HOYER. Ms. LEE, the author of this important legislation was a member of that delegation, as was Ms. ROS-LEHTINEN, who just spoke a few minutes ago.

I returned from the Sudan even more convinced that we must not waiver in our effort to end the genocide in Darfur. The Bashir regime, just last week, again rejected a draft United Nations resolution to deploy a joint peacekeeping force to use all necessary means to end the violence in Darfur, to end the killing, to secure order.

The Bashir regime has repeatedly called an international force an affront to their sovereignty. The Bashir regime has forfeited their sovereignty, their claim to sovereignty, by committing genocide, by sponsoring genocide against their own people. In the last 4 years, 400,000 to 450,000 people have been killed in Darfur; 2.5 million people have abandoned their homes to seek refuge from the violence; 4 million rely on food assistance.

The Bashir regime's claim of sovereignty is a flimsy legalism in the face of the atrocities in Darfur. This legislation will hold up for public shame the companies that invest in the Sudan or conduct business with the Sudan that will seek profits, even in the face of the genocide in Darfur.

Sixty years ago, as the enormity of the Holocaust sank in, humanity promised never again. But the world has let genocide happen again and again, most recently in Rwanda. Kofi Annan, then-Secretary General of the United Nations, admitted that the world failed the people of Rwanda. I refuse to fail the people of the Sudan, of Darfur, as we failed the people of Rwanda. I am determined to keep the promise of 60 years ago. Never again.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 5 minutes to a champion of the fight for human rights, the gentleman from Virginia (Mr. WOLF).

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. I thank the gentleman.

Mr. Speaker, I rise in support of the Darfur Accountability and Divestment Act. I want to thank Congressman LEE for her leadership in this effort; also Chairman FRANK for his effort to move this thing and not just talk about it, but actually get it out; also Congressman BACHUS and Congresswoman ILEANA ROS-LEHTINEN for their effort.

□ 1315

I also want to thank all of the young students around the country who have participated in this whole disinvestment thing. When the whole tide was running against them, they went against the tide, and this language, this legislation, will enable them now to move.

Genocide continues. 400,000 to 450,000 have died. There are 2.5 million in camps, many in Chad. Now, the Sudanese government, I heard on Friday, are giving the right for people in Chad to come back, not Sudanese but people from Chad, to come in and take over much of the land, some of the land, up to 90,000 that belongs to the people of Darfur.

The previous speaker just said the U.N. failed. Wow, the U.N. failed so much. The U.N. failed in Srebeniza. They stood by and allowed the Serbs to come in and commit genocide in Srebeniza. The U.N. failed. And Kofi Annan, who was really head of U.N. peacekeeping, and he failed while he just stood by and allowed the genocide to take place in Rwanda. Kofi Annan and the U.N. failed and history has to show it. It has to show that the people at the U.N. failed to deal with this issue of genocide.

When Senator BROWNBACK and I were there with the first group, we came back and asked Kofi Annan to go. He had not actually been there before. This has been a failure. And because of Congresswoman LEE and Chairman FRANK and others coming to demonstrate the United States is committed to doing something that can really make a difference and not just a resolution that calls something something and nothing ever happens.

The Chinese have failed. We cannot hide the fact. Every time you purchase a piece of furniture or food or whatever and it says ''Made in China,'' this is the government that has helped bring you the genocide in Darfur. Their Olympics in 2008 will be a monument to their genocidal activity and effort. Period. Period. They've even hired people to put on a good show similar to what Nazi Germany did, Hitler did, in the Olympics in the thirties. They could have singlehandedly stopped the genocide. The President of China went to Sudan and we all thought that he was going to announce that he had put pressure on the Sudanese government. He announced that he was building them a new palace. China, after the Government of Sudan, is the number two country responsible, history will show, responsible.

Lastly, because of the efforts of Congresswoman LEE, hopefully now all of the Governors and the State legislatures, including my own, which did it in the Senate but not in the House, will now feel released and there will be no excuse to pass these, the same way that the State of New Jersey did under the leadership of Don Payne and the people there. The same way that California did. The same way that Illinois did. Many States have been reluctant. They have looked for excuses to find out. This legislation takes away all the excuses and hopefully this time next year after all the legislatures have had an opportunity to act, there will be a rollcall and all 50 legislatures will have participated and made this State law whereby the disinvestment takes place around the world.

Again, I thank Congresswoman LEE. I thank the gentleman from New Jersey. There ought to be a rollcall vote on this. I don't know what the intentions are, I'm not involved in it, but there ought to be a rollcall vote because they will look to see. One, it will be interesting to see if anyone votes ''no'' on it, but secondly I think the Chinese will look, the Bashir will look, the Khartoum government will look, and lastly the people in the camps will find out that the United States Congress has done something to really make a difference.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds to say we agree with the gentleman from Virginia. There will be a rollcall. Among the people who we hope will look at it are the few right across the hall there. We do plan to have a rollcall.

Secondly, I just want to say that people have commented on the overwhelming support, but this could have been more divisive, and the staffs of both Democrats and Republicans on our committee, Chris Tsentas of Ms. LEE's staff and others worked very hard together.

Mr. Speaker, I now yield the remaining time to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The SPEAKER pro tempore. The gentleman is recognized for 2¼ minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I find it very difficult for me to follow such a most eloquent speech that was given by my good friend from Virginia, a true champion of human rights, and as cochair of our Human Rights Caucus also with the gentleman from California, the chairman of our House Foreign Affairs Committee, Mr. TOM LANTOS.

I want to thank the chairman of our Financial Services Committee, Mr. FRANK, for his leadership and for introducing as well as following closely the way that we have now come about in bringing this very important legislation for consideration by Members of this body. I would be remiss if I did not also express my sincere appreciation to one of our former senior members of our Foreign Affairs Committee who is no longer with us, the gentlelady from California, Ms. BARBARA LEE, for her leadership and for her sensitivity especially to the problems we are faced with in Darfur. I thank also my good friend, the chairman of our Africa subcommittee of the Foreign Affairs Committee, Mr. DON PAYNE, who I know has also been working very closely in crafting this legislation. My good friend, the ranking member of our Foreign Affairs Committee, Ms. ROS-LEHTINEN, and I know our chairman of the Foreign Affairs Committee both support it and I thank them for their leadership in bringing this legislation for consideration.

Mr. Speaker, over 400,000, 450,000 men, women and children, especially children, are already dead in the event of the atrocities that have been committed against these people in Darfur and over 2 million refugees. According to the Associated Press report just this month, it says, the United Nations Human Rights Committee, in its first overall review of Sudan's record in a decade, said that systematic murder, rape, forced evictions and attacks

against civilians continue to be committed with total impunity throughout the Sudan and particularly in Darfur.

That's a fact. And what are we doing about it? I think this legislation helps move in that right direction, and I can't think of a better person, a leader in our Chamber here, Ms. LEE, for taking the leadership in this important legislation, as it was in her predecessor, our good friend Mr. Dellums from California and his leadership in presenting the importance of the role sanctions can play in situations that the global community should make better efforts to support to get rid of this terrible problem that we find ourselves with in Darfur.

Mr. GARRETT of New Jersey. Mr. Speaker, just a concluding point, with the need for us to take initial movement on this but also to look for the rest of the world community to become involved.

It was just last year when U.N. Deputy Secretary-General Mark Malloch Brown said with regard to Darfur on this point: ''And yet what can the U.S. do alone in the heart of Africa in a region the size of France? In essence, the U.S. is stymied before it even passes Go. It needs a multilateral means to address the Sudan's concerns.'' I believe that is true, but this is the first step in that direction.

With that, I once again thank the gentlelady from California and the chairman as well for their work together in a bipartisan manner on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 180, the Darfur Accountability and Divestment Act of 2007, introduced by my colleague Ms. LEE of California, of which I am a co-sponsor.

Mr. Speaker, Darfur, where the flrst genocide of the 20th century rages, remains the worst humanitarian situation we face today. Since the crisis began in 2003, an estimated 400,000 people have been killed by the Government of Sudan and its Janjaweed allies. Additionally, over 2,000,000 people have been displaced from their homes and livelihoods, many of whom are still either internally displaced within Darfur or are in refugee camps across the border in Chad. Both the House of Representatives and the Senate declared that the atrocities in the Darfur region of Sudan constitute genocide in July 2004, and the Bush administration reached the same conclusion in September 2004.

And yet, three years later, the humanitarian situation in Darfur continues to decline. As attacks on international aid organizations continue to mount, the numbers of humanitarian relief workers active in the area are sharply declining. During the first three months of 2007, 21 humanitarian vehicles were hijacked, 15 additional vehicles were looted, and gunmen raided 6 humanitarian compounds. In the 12 months preceding April 2007, the number of humanitarian relief workers in Darfur decreased by 16 percent, largely due to security concerns, restriction on access, and funding limitations. The flow of humanitarian aid has been severely threatened by the escalating violence in the region.

Divestment is one solid and easy way that individuals, organizations, businesses, universities, cities, and states can not only make a strong statement against genocide, but can actually act to halt the killing in Darfur. This legislation supports state, city, and university efforts to divest funds from, or restrict investments in, companies that conduct business operations in Sudan. It directs the Securities and Exchange Commission (SEC) to require all companies trading in registered securities that conduct business operations directly or through parent or subsidiary companies in Sudan to disclose the nature of such operations, and the Government Accountability Office (GAO) to investigate the existence and extent of such companies' Federal Retirement Thrift Investment Board investments. The State of Texas is one of a few states that has moved to divert from Sudan. The time to act is now. People are dying. I will be going to Sudan soon to visit the people of Darfur—we will visit aide workers and review the status of the U.N. Peacekeepers and the status of water and nutrition among the already brutalized Darfurians. Again we must act to save lives now.

This legislation also prohibits U.S. government contracts with companies that conduct business operations in Sudan, with exceptions for companies with activities in southern Sudan, related to the implementation of the 2006 Darfur Peace agreement, those providing military equipment to the African Union or the U.N. in Darfur, and those providing humanitarian aid. Targeted financial policies of this sort ensure that they will have the maximum impact on the government of Sudan, while minimizing any negative effect on innocent Sudanese civilians.

While U.S. law already prohibits American companies from directly operating in Sudan, they may still invest in foreign companies operating in Sudan, including many that are directly involved in supporting the genocide. Americans who invest in these American companies are, without their knowledge, financing Sudan's killing fields. As this bill explicitly states, ''No American should have to worry that his or her investments or pension money was earned in support of genocide.'' However, we must engage with China to encourage it to stop supporting actions in Sudan that lead to genocide.

Divestment has historically proven an effective tool to alter unjust and persecutory policies. In 1986, it was targeted against companies that conducted business operations in South Africa, and it played a critical role in ending the apartheid regime. By the time free elections took place in 1994, large numbers of American States, counties, cities, and universities had adopted divestment policies.

Similarly, divestment has become an increasingly popular option in the current case of genocide in Sudan. I am proud that my home State of Texas is one of the growing numbers of States, cities, and universities to approve divestment. At last count, 9 cities, 16 States and 54 universities had passed legislation to ensure that their money does not go to finance the slaughter of innocent people in Darfur. In addition, numerous religious organizations, as well as countless individuals, have divested. Since the Sudan divestment movement began, companies including HC Helicopter, ABB, Siemens, Rolls Royce, and Schlumberger have halted or significantly altered their operations in Sudan.

Divestment represents the leverage that ordinary citizens and individual activists, as well as States, cities, universities, and other organizations, have to influence the Sudanese government. It is the answer to the question that so many of us active in the fight to end genocide in Darfur hear too often: ''What can I, as an individual, do in the face of such overwhelming and ongoing tragedy?''

Mr. Speaker, the American people do not support genocide in Sudan; their money should not support these atrocities either. I strongly urge my colleagues to join me in support of this important legislation.

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong support of H.R. 180, the Darfur Accountability and Divestment Act of 2007, and I want to congratulate my good friend from California, Ms. LEE, on producing the bill before us today.

H.R. 180 would put much needed pressure on the Government of Sudan by, (1) prohibiting the U.S. Government from entering into contracts with companies fueling the genocide, (2) authorizing states to divest from the worst offending companies in Sudan, and (3) authorizing states to prohibit contracts with companies fueling the genocide. This bill is necessary because states deserve protection for acting as responsible and moral market participants. Furthermore, this legislation does not affect American companies, and its provisions would expire once the genocide has ended.

In 2004, I traveled to Darfur to see this devastation first hand. I was shocked and appalled at the level of human suffering. As the vice-chair of the Foreign Operations Appropriations Subcommittee, I have tried to improve conditions in Darfur with humanitarian aid and peacekeeping funds, but more must be done.

This bill begins to do the things that our humanitarian aid and our peacekeeping funds can't—address corporate and social responsibility and put additional pressure on the Khartoum government to end the genocide.

Again, I congratulate the gentlewoman for her legislation, and I strongly urge an aye vote for H.R. 180, the Darfur Accountability and Divestment Act.

Mr. RANGEL. Mr. Speaker, I rise today to encourage my colleagues to support the Darfur Accountability and Divestment Act of 2007, H.R. 180.

The passage of this bill will require the identification of companies that conduct business operations in Sudan and prohibit the United States Government to contract with such companies. The atrocities in Sudan have only continued to escalate. The U.S. Government must cut ties with a government that fails to address the genocide within its own boundaries. The Government of Sudan has not put any action to disarm the Janjaweed militia and is therefore equally responsible for the human rights violations against Darfurians.

An estimated 450,000 people have been killed, and 2 million people have been displaced—234,000 of which have been forced into neighboring Chad. Janjaweed soldiers continue to ride into villages stealing whatever goods they can find, slaughtering men, women, and children along the way. These soldiers systematically rape women and children, holding some as sex slaves for weeks at a time before releasing them.

Colleagues, we are in a position to help stop the carnage in Darfur. We must continue to pressure the Government of Sudan to stop the massacre in Darfur. Enforcing economic

sanctions is a way to achieve this goal. I urge you all, for the sake of humanity, to support the Darfur Accountability and Divestment Act. We are not blind to the truth and we have a responsibility to do our part to alleviate this awful tragedy.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007.

I am proud to be a cosponsor of this important and timely legislation to authorize States to divest from companies in Sudan, and to prohibit new federal contracts with companies doing business with the genocidal regime in Khartoum. Current estimates indicate that as many as 450,000 people have been killed and over 2.5 million have been displaced due to the ongoing genocide in the Darfur region of Sudan. The security situation on the ground is continuing to deteriorate and the violence is spreading to surrounding countries.

As a member of the CBC and an African American, I joined my colleagues in support of H. Res. 333, in the last Congress, to designate the weekend of July 15–17 as a National Weekend of Prayer and Reconciliation for Darfur. The tragic and unforgivable/unforgiving genocide occurring in Darfur is as significant as acts of terrorism on which we are more focused. Over a million people, driven from their homes, now face death from starvation and diseases as the Government and militias attempt to prevent humanitarian aid from reaching them. These acts of genocide, civil terrorism, and inhumanity must stop! And the legislation we are considering today will go a long way in achieving this result.

The Darfur Accountability and Divestment Act of 2007 requires the Secretary of the Treasury to create a list of companies who have a direct investment in or are conducting business operations in Sudan's power, mineral, oil, or military equipment industries. The list will be published in the Federal Register six months after enactment, and every six months thereafter.

Many of our constituents are standing up and demanding that their hard earned money not be used to support a pariah government that is killing its own people. In passing H.R. 180 today we will be doing our part help protect the Sudan divestment movement at the State level and to help it continue to grow.

I urge my colleagues to support passage of this bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007 of which I am a co-sponsor.

Three years ago last week, Congress formally declared that genocide was taking place in Darfur. For many years now we have seen the devastating atrocities taking place in the Darfur region of Sudan. With the support of the Sudanese Government, the Janjaweed militia has ravaged the people of Darfur, raping, torturing, murdering, and forcing hundreds of thousand of Darfuris to flee to refugee camps in neighboring Chad and the Central African Republic.

It is time that we begin to put in place legislation that will end this genocide. This legislation supports state, city, and university efforts to divest funds from, or restrict investments in, companies that conduct business operations in Sudan. This is a positive first step in achieving this goal.

We saw the same devastation in Rwanda over a decade ago, and the American people have made their voices heard on this issue vowing never again to remain silent when humanity is threatened.

A few months ago, an event was held in my congressional district regarding this issue. During the event it was noted that according to www.darfurscores.com I was receiving a grade of "C" in my support of ending the genocide in Darfur. While it may appear on the surface that I have not been supportive of these efforts, it is important that you know I am in total support of ending the genocide in Darfur.

I along with many of my Congressional Black Caucus colleagues including DONALD PAYNE and BARBARA LEE were some of the first members of Congress to speak out about this issue. During the last Congress, we specifically addressed this issue with President George W. Bush in a meeting asking him to take immediate action. Additionally, I have cosponsored and voted in favor of legislation as far back as the 108th Congress regarding this issue. Some of the bills I have supported included a bill for the appointment of a Presidential Special Envoy for Sudan and to prohibit companies that conduct business operations in Sudan from receiving government contracts. Most recently, I voted in favor of legislation calling on the League of Arab States and each Member State to acknowledge the Darfur genocide as well as signed onto a letter to the China government asking them to use their significant economic influence with the Government of Sudan to end these crimes against humanity.

While I understand that there may be some gaps on paper with regard to my record on this issue, trust that my support for ending the genocide in Darfur has been unwavering. It is my hope that I will be able to work with the people of the 11th Congressional District and across this country to continue to let our voices heard on this issue. I encourage my constituents to contact me with your ideas and resources so we can continue to fight this injustice against humanity.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007. Congresswoman LEE and Congressman PAYNE are to be commended for their continued dedication to the people of Africa—and to the people of Darfur in particular.

It was September 2004—almost three years ago—when then Secretary of State Colin Powell declared that the situation in Darfur could be described in no other way than "genocide."

And yet today, millions of people have been run off of their homeland. Children who should be in school, learning, are forced into armies. Women are raped and brutalized daily. Refugee camps are overrun. For many, the situation seems hopeless.

World leaders take the stage day after day talking—calling for an end to violence. Enough talking. It is clear the government of Sudan will not listen. Maybe the only way they will listen is to hit them in their pocket book—and that is exactly what we will do today.

This bill will identify which companies are conducting business in Sudan—some would say at the expense of the Darfur people. Once these companies are identified, the U.S. Government will be prohibited from doing business with them. If the Sudanese Government won't listen to reason, maybe they will listen to the sound of quiet cash registers.

We send a clear message that we will not forget the people of Darfur.

From small groups like "Dear Sudan, Love Petaluma" in my hometown to larger relief organizations like UNICEF, we are committed to peace and to a future of hope.

Mr. SMITH of New Jersey. Mr. Speaker, as a cosponsor of H.R. 180, The Darfur Accountability and Divestment Act, I am pleased to see this bill brought before the full House and I urge all our colleagues to vote for its final passage.

The Darfur Accountability and Divestment Act is an important part of our ongoing efforts here in Congress to influence, pressure and alter the conduct of the Sudanese regime, the government complicit in the genocide being perpetrated and abetted in Darfur. The deaths of 450,000 innocent women, men and children and the displacement of 2 million others demand nothing less.

H.R. 180 comes amidst recent reports of additional population displacements of about 12,000 households in West Darfur. Those who are fleeing express fears of attacks by Sudanese government forces in addition to general insecurity in that area.

Despite the Sudanese government's announcement that it will accept a proposed hybrid UN-African Union peacekeeping operation in Darfur, it will take far more action on the part of the Bashir regime to convince me—and I am certain my other colleagues here in the House as well—that it is finally succumbing to the world's outcry for peace. Withdrawing American investments, both public and private, from Sudan will help to ensure that we get that government's attention.

On August 1, 2005, my home State of New Jersey became the first State to divest from Sudan. Earlier that year, Representative DON PAYNE and I had sent a joint letter to State leaders encouraging this action. Our NJ law directs the State Treasury to divest State pension funds from foreign companies doing business with Sudan until the Sudanese government stops the genocide that is ravaging that country. Eighteen other States have since followed New Jersey's lead and have adopted divestment policies.

Mr. Speaker, as the Chairman of the Subcommittee on Africa, Global Human Rights and International Operations, I advocated forcefully for divestment provisions in the Darfur Peace and Accountability Act of 2006. Unfortunately, the Senate removed those provisions prior to final passage of the bill. I am pleased that H.R. 180 revisits the divestiture issue and builds on those initial efforts in several important ways.

H.R. 180 requires that the Secretary of the Treasury publish every six months a list of companies that have a direct investment or are conducting business operations in Sudan's power, mineral, oil or military equipment industries. The bill excludes several important categories of companies, including those that are dealing directly with the government of southern Sudan or that are helping the marginalized populations.

Companies that are on the Treasury list will not be able to enter into or renew contracts with the United States Government. State and local governments may also authorize prohibitions for those governments to enter into or renew contracts with these companies. The

bill further authorizes State and local governments to divest based either on this list created by the Treasury or on a list that they create on their own, without risking a lawsuit by doing so.

Perhaps most importantly, H.R. 180 provides a safe harbor for mutual and pension funds by allowing them to divest from companies on the Treasury list without risk of a lawsuit alleging that they are failing to invest in a manner that brings about the highest yield. All of these measures will provide the practical and legal foundation for our country to do what is in our national tradition—to place the dignity of the human person and the well-being of our brothers and sisters, regardless of where they live or their national or ethnic identity, above financial and commercial interests.

Promoting fundamental human rights and removing financial support from those who subsidize an abusive regime in Darfur is clearly in the best interests of the Sudanese people as well as our U.S. foreign policy. I urge my colleagues to support The Darfur Accountability and Divestment Act.

Mr. PAUL. Mr. Speaker, H.R. 180 is premised on the assumption that. divestment, sanctions, and other punitive measures are effective in influencing repressive regimes, when in fact nothing could be further from the truth. Proponents of such methods fail to remember that where goods cannot cross borders, troops will. Sanctions against Cuba, Iraq, and numerous other countries failed to topple their governments. Rather than weakening dictators, these sanctions strengthened their hold on power and led to more suffering on the part of the Cuban and Iraqi people. To the extent that divestment effected change in South Africa, it was brought about by private individuals working through the market to influence others.

No one denies that the humanitarian situation in Darfur is dire, but the United States Government has no business entangling itself in this situation, nor in forcing divestment on unwilling parties. Any further divestment action should be undertaken through voluntary means and not by government fiat.

H.R. 180 is an interventionist piece of legislation which will extend the power of the Federal Government over American businesses, force this country into yet another foreign policy debacle, and do nothing to alleviate the suffering of the residents of Darfur. By allowing State and local governments to label pension and retirement funds as State assets, the Federal Government is giving the go-ahead for State and local governments to play politics with the savings upon which millions of Americans depend for security in their old age. The safe harbor provision opens another dangerous loophole, allowing fund managers to escape responsibility for any potential financial mismanagement, and it sets a dangerous precedent. Would the Congress offer the same safe harbor provision to fund managers who wish to divest from firms offering fatty foods, growing tobacco, or doing business in Europe?

This bill would fail in its aim of influencing the Government of the Sudan, and would likely result in the exact opposite of its intended effects. The regime in Khartoum would see no loss of oil revenues, and the civil conflict will eventually flare up again. The unintended consequences of this bill on American workers, investors, and companies need to be considered as well. Forcing American workers to divest from companies which may only be tangentially related to supporting the Sudanese government could have serious economic repercussions which need to be taken into account.

Mr. GOODLATTE. Mr. Speaker, earlier this year, I had the opportunity to travel as part of a bipartisan Congressional Delegation to the war-torn nation of Sudan and see first-hand one of the worst humanitarian crises in recent times. As a nation dedicated to freedom and the rights of the individual, the United States has a responsibility to speak out when those rights are violated, whether at home or abroad.

Last week I traveled with the same bipartisan delegation to the United Nations (U.N.) to press U.N. Secretary-General Ban Ki-moon for immediate U.N. action in Darfur. It is apparent that the U.N. is not moving fast enough in ending this genocide. The entire world is watching the U.N. actions in Darfur. In the past, the U.N. has not adequately handled genocide in other countries, most recently in Rwanda, but this is an opportunity for the U.N. to aid millions of people and bring about a real and lasting change.

Many people share frustration with me that the U.N. is not more effectively working to end the genocide in Darfur. These people, who, like me, are deeply concerned and troubled by the deplorable situation in Darfur, want to know what we can do to make a change in Darfur.

This legislation gives us the tools to apply economic leverage against Sudan to encourage them to end the crisis in Darfur. H.R. 180, The Darfur Accountability and Divestment Act establishes a list of companies whose business in Sudan is deemed to directly or indirectly support the genocide. Furthermore this legislation bans federal contracts with such companies. This ensures that no federal dollars—hard earned tax dollars of American families—go to support one of the worst humanitarian crises in recent history.

Private citizens can also look at the list of companies whose business supports the genocide, and use this list to make investment decisions in their private lives. These people can then be assured that none of their money, whether through tax dollars or personal investments, is being used to support the genocide in Darfur.

Many States, including Virginia, have also looked at legislation to divest from these companies. H.R. 180 allows States and localities to divest from these companies without fear of lawsuits charging that States are regulating foreign policy. This will protect several States that have already taken the lead in divesting in such companies, and States like mine that are still considering this option on a State level will know they can do so without fear of legal charges.

This legislation is fairly balanced and does not require individuals or States to take action, but protects them if they so choose. Furthermore this legislation would sunset these sanctions when the genocide ends. I am proud to be a cosponsor of this legislation, and I urge my colleagues to vote in favor of this bill.

While I have never seen anything like what I saw in Darfur, the situation is not completely hopeless. The humanitarian assistance the United States is providing is helping millions of people in desperate circumstances. But we must continue to do more, and we must urge the international community to join with us to bring an end to the genocide. Mr. Speaker, I look forward to continuing to work with my colleagues to bring an end to this international crisis.

Mr. HOYER. Mr. Speaker, the United States has many tools in its national security arsenal. And one that is too often overlooked and under-utilized—despite the fact that it works—is economic leverage.

Today, it is long past time that the United States—and the international community—exert maximum pressure on the Sudanese government to stop the suffering in Darfur, where an estimated 200,000 to 400,000 civilians have been slaughtered and 2.5 million more have been driven from their homes.

The United Nations has identified the situation in Darfur as the worst humanitarian and human rights crisis in the world today. The United States has labeled the killings there as genocide.

We must not turn a blind eye to this horrific human suffering, which shocks our collective conscience. Thus, the United States must lead the international community in turning up the pressure on the Sudanese government through an effective divestment campaign similar to the one employed against South Africa three decades ago.

The Darfur Accountability and Divestment Act—introduced by a leader on this important issue, Congresswoman LEE—seeks to utilize targeted divestment to exert further pressure on the Bashir government in Khartoum.

This legislation requires the Treasury Secretary to establish a list of companies whose business activities in Sudan directly support the genocidal practices of the Bashir regime in Khartoum. The measure also authorizes State and local governments which choose to divest their pension fund holdings from companies on the list, and it contains ''safe harbor'' provisions for managers of mutual funds and corporate pension managers who choose to do the same even though their charters may mandate that they seek to maximize gains.

Furthermore, the bill would ban U.S. Government procurement contracts with companies on the Treasury list and authorizes the prohibition of these types of contracts at the State and local level.

The fact is, while the United States currently prohibits companies from conducting business operations in Sudan, millions of Americans are inadvertently supporting Bashir's government by investing in foreign companies that conduct business operations there.

According to the Sudan Divestment Task Force, the Khartoum regime ''relies heavily on foreign investment to fund its military and the brutal militias seeking to eliminate the non-Arab population of Darfur.'' In fact, it is estimated that as much as 70 to 80 percent of oil revenue in Sudan is funneled directly into the military.

Given our experience in South Africa, we know that increasing economic pressure through targeted divestment can work. We have been talking with the Bashir government for years now—with little effect. It is time to leverage our dollars in an attempt to stop the suffering in Darfur.

Ms. WATERS. Mr. Speaker, I strongly support H.R. 180, the Darfur Accountability and Divestment Act. I am proud to be a cosponsor of H.R. 180 and a member of the Financial

Services Committee, which passed this bill last week.

The ongoing genocide in the Darfur region of Sudan already is believed to have caused the deaths of almost half a million people. More than 200,000 people have been killed by Sudanese government forces and armed militias since 2003, and another 200,000 people have died as a result of the deliberate destruction of homes, crops and water supplies and the resulting conditions of famine and disease. More than 2.5 million people have been displaced.

According to a recent United Nations report, attacks against humanitarian aid workers have increased 150 percent in the past year. There are currently 13,000 humanitarian aid workers in Darfur, providing aid to more than 4 million people, and violence limits their ability to reach people in need. In June, approximately one in six humanitarian convoys leaving the capitals of Darfur provinces were ambushed by armed groups. About two-thirds of the population of Darfur is dependent upon these courageous aid workers and the aid they bring.

Early in 2006, I visited the Darfur region with my good friend from California, Speaker NANCY PELOSI, and I was deeply disturbed by what I saw. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with little tarps just covering them. That was over a year ago, and yet this genocide has been allowed to continue.

The world stood by and watched the genocide that occurred in Rwanda. The world has noted over and over again the atrocities of the Holocaust. Yet we cannot seem to get the international community to move fast enough to stop the genocide that is taking place in Darfur.

The Darfur Accountability and Divestment Act is a concrete proposal to impose sanctions on the Government of Sudan and on corporations that continue to do business with this genocidal regime. I urge all of my colleagues to support this bill, and I hope that it will be enacted and implemented in time to save lives, allow humanitarian aid to continue, and force the Government of Sudan to stop this genocide.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 180, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

IRAN SANCTIONS ENABLING ACT OF 2007

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2347) to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2347

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Sanctions Enabling Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Convention on the Prevention and Punishment of the Crime of Genocide, completed at Paris, December 9, 1948 (commonly referred to as the ''Genocide Convention'') defines genocide as, among other things, the act of killing members of a national, ethnic, racial, or religious group with the intent to destroy, in whole or in part, the targeted group. In addition, the Genocide Convention also prohibits conspiracy to commit genocide, as well as ''direct and public incitement to commit genocide''.

(2) 133 member states of the United Nations have ratified the Genocide Convention and thereby pledged to prosecute individuals who violate the Genocide Convention's prohibition on incitement to commit genocide, as well as those individuals who commit genocide directly.

(3) On October 27, 2005, at the World Without Zionism Conference in Tehran, Iran, the President of Iran, Mahmoud Ahmadinejad, called for Israel to be ''wiped off the map,'' described Israel as ''a disgraceful blot [on] the face of the Islamic world,'' and declared that ''[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury.'' President Ahmadinejad has subsequently made similar types of comments, and the Government of Iran has displayed inflammatory symbols that express similar intent.

(4) On December 23, 2006, the United Nations Security Council unanimously approved Resolution 1737, which bans the supply of nuclear technology and equipment to Iran and freezes the assets of certain organizations and individuals involved in Iran's nuclear program, until Iran suspends its enrichment of uranium, as verified by the International Atomic Energy Agency.

(5) Following Iran's failure to comply with Resolution 1737, on March 24, 2007, the United Nations Security Council unanimously approved Resolution 1747, to tighten sanctions on Iran, imposing a ban on arms sales and expanding the freeze on assets, in response to the country's uranium-enrichment activities.

(6) There are now signs of domestic discontent within Iran, and targeted financial and economic measures could produce further political pressure within Iran. According to the Economist Intelligence Unit, the nuclear crisis ''is imposing a heavy opportunity cost on Iran's economic development, slowing down investment in the oil, gas, and petrochemical sectors, as well as in critical infrastructure projects, including electricity''.

(7) Targeted financial measures represent one of the strongest non-military tools available to convince Tehran that it can no longer afford to engage in dangerous, destabilizing activities such as its nuclear weapons program and its support for terrorism.

(8) Foreign persons that have invested in Iran's energy sector, despite Iran's support of international terrorism and its nuclear program, have provided additional financial means for Iran's activities in these areas, and many United States persons have unknowingly invested in those same foreign persons.

(9) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that directly or indirectly support the Government of Iran's efforts to achieve a nuclear weapons capability.

(10) Policy makers and fund managers may find moral, prudential, or reputational reasons to divest from companies that accept the business risk of operating in countries that are subject to international economic sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

SEC. 3. TRANSPARENCY IN CAPITAL MARKETS.

(a) LIST OF PERSONS INVESTING IN IRAN ENERGY SECTOR OR SELLING ARMS TO THE GOVERNMENT OF IRAN.—

(1) PUBLICATION OF LIST.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter, the President or a designee of the President shall, using only publicly available (including proprietary) information, ensure publication in the Federal Register of a list of each person, whether within or outside of the United States, that, as of the date of the publication, has an investment of more than $20,000,000 in the energy sector in Iran, sells arms to the Government of Iran, or is a financial insitutiton that extends $20,000,000 or more in credit to the Government of Iran for 45 days or more. To the extent practicable, the list shall include a description of the investment made by each such person, including the dollar value, intended purpose, and status of the investment, as of the date of the publication.

(2) PRIOR NOTICE TO PERSONS.—The President or a designee of the President shall, at least 30 days before the list is published under paragraph (1), notify each person that the President or the designee, as the case may be, intends to include on the list.

(3) DELAY IN INCLUDING PERSONS ON THE LIST.—After notifying a person under paragraph (2), the the President or a designee of the President may delay including that person on the list for up to 60 days if the President or the designee determines and certifies to the Congress that the person has taken specific and effective actions to terminate the involvement of the person in the activities that resulted in the notification under paragraph (2).

(4) REMOVAL OF PERSONS FROM THE LIST.—The President or a designee of the President may remove a person from the list before the next publication of the list under paragraph (1) if the President or the designee determines that the person does not have an investment of more than $20,000,000 in the energy sector in Iran, does not sell arms to the Government of Iran, and is not a financial insitutiton that extends $20,000,000 or more in credit to the Government of Iran for 45 days or more.

(b) PUBLICATION ON WEBSITE.—The President or a designee of the President shall ensure that the list is published on an appropriate government website, updating the list as necessary to take into account any person removed from the list under subsection (a)(4).

(c) DEFINITION.—In this section, the term ''investment'' has the meaning given that term in section 14(9) of the Iran Sanctions Act (50 U.S.C. 1701 App.).

SEC. 4. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES INVESTED IN IRAN'S ENERGY SECTOR.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support the decision of State governments, local governments, and educational institutions to divest from, and to prohibit the investment of assets they control in, persons that have investments of more than $20,000,000 in Iran's energy sector, persons that sell arms to the Government of Iran, and financial insitutitons that extend $20,000,000 or more in credit to the Government of Iran for 45 days or more.

(b) AUTHORITY TO DIVEST.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in—

(A) persons that are included on the list most recently published under section 3(a)(1), as modified under section 3(a)(4);

(B) persons that sell arms to the Government of Iran;

(C) financial insitutitons that extend $20,000,000 or more in credit to the Government of Iran for 45 days or more; and

(D) persons that are included on any list of entities with investments in Iran, entities doing business in Iran, or entities doing business with the Government of Iran, which is issued pursuant to a law that—

(i) authorizes a State or local government to divest from, or prohibits a State or local government from investing assets in, the persons; and

(ii) is enacted by a State or local government on or before the first publication of a list under section 3.

(2) DEFINITIONS.—In this subsection:

(A) INVESTMENT.—The ''investment'' of assets includes—

(i) a commitment or contribution of assets; and

(ii) a loan or other extension of credit of assets.

(B) ASSETS.—The term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled, directly or indirectly, by a State or local government.

(c) PREEMPTION.—A measure of a State or local government that is authorized by subsection (b) is not preempted by any Federal law or regulation.

SEC. 5. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY MUTUAL FUNDS.

Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a–13) is amended by adding at the end the following new subsection:

''(c) SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company or person providing services to such registered investment company (including its investment adviser), or any employee, officer, or director thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by companies that are included on the most recent list published under section 3(a)(1) of the Iran Sanctions Enabling Act of 2007, as modified under section 3(b) of that Act. For purposes of this subsection the term 'person' shall include the Federal government, and any State or political subdivision of a State.''.

SEC. 6. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY EMPLOYEE BENEFIT PLANS.

Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) No person shall be treated as breaching any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title, and no action may be brought under this section against any person, for divesting plan assets from, or avoiding investing plan assets in, persons that are included on the most recent list published under section 3(a)(1) of the Iran Sanctions Enabling Act, as modified under section 3(a)(4) of such Act.''.

SEC. 7. RULE OF INTERPRETATION.

Nothing in this Act shall be interpreted to limit the authority of any person to divest, or avoid investment in, any asset, or to adopt or enforce any measure to do so.

SEC. 8. DEFINITIONS.

In this Act:

(1) IRAN.—the term ''Iran'' includes any agency or instrumentality of Iran.

(2) ENERGY SECTOR.—The term ''energy sector'' refers to activities to develop petroleum or natural gas resources, or nuclear power.

(3) PERSON.—The term ''person'' means—

(A) a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act); and

(C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).

(4) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(5) STATE OR LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''State or local government'' includes—

(i) any State and any agency or instrumentality thereof;

(ii) any local government within a State, and any agency or instrumentality thereof;

(iii) any other governmental instrumentality; and

(iv) any public institution of higher education.

(B) PUBLIC INSTITUTION OF HIGHER EDUCATION.—The term ''public institution of higher education'' means a public institution of higher education within the meaning of the Higher Education Act of 1965.

SEC. 9. SUNSET.

This Act shall terminate 30 days after the date on which the President has certified to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state-sponsor of terrorism for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law; and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, at Natans, the centrifuges are turning. Iran is perhaps half a decade away from a nuclear weapon. Iran, however, is not without its Achilles heels. The mullahs have mismanaged the economy to the point where they are rationing gasoline in Tehran. Iran has a vibrant political culture in which the behavior of the elites and the behavior of the people can indeed be influenced by outside information. The key is to be able to broadcast into Iran on RadioFarda a message. That message is that Iran will be diplomatically and economically isolated around the world, and especially from the United States, unless it drops its nuclear weapons program. The problem is, I can't lie that well in Farsi. The fact is we have not yet begun to use the economic and diplomatic levers available to the United States. And it is not yet true that Iran's nuclear program subjects it to the possibility of economic and diplomatic isolation.

The bad news, Mr. Speaker, is that we have not had the political will to reach into our economic and diplomatic tool box. The good news is we've still got a lot of tools lying there in the tool box. One of the best is divestiture. Divestiture needs to be part of a bigger economic and diplomatic strategy to isolate the government in Tehran. If we can dry up, however, Iran's access to foreign investment, if we can sever the ties between the multinational corporations and the government of Iran, we may be able to increase the cost of Iran's behavior and put enough pressure on that regime so either it decides, or its people insist, that it abandon its nuclear program.

Now, the key is to change the behavior of these multinational corporations, and the best way to do that is with American policies that make them choose between the benefits of doing business with the American people, American investors on the one hand, and the so-called benefits they might get from doing business with Tehran on the other.

So what does this bill do to begin and continue the divestment process? The bill mandates nothing except for the creation of a list by the administration, which I will get to in just a second. It provides a clear authorization from Congress for States to divest from companies conducting the certain identified activities in Iran, and it would shield both private pension plan managers, mutual funds and public sector pension plan managers from harassing lawsuits should they decide on their

own initiative to divest from those companies carrying out certain activities in Iran. In doing so, this bill sweeps away an excuse from those investment managers who, up until now, haven't wanted to be bothered to divest, even though their beneficiaries are demanding it.

This bill also provides some standards. I mentioned this in the discussion of the Sudan bill. First, people want to know what activities should cause them to divest. Now, I have more than sympathy with those who say one penny of activity, sell one candy bar in Tehran and I don't want my money invested in your company. That's a purist approach. That's an approach some may choose to take. I think the better harnessing of America's economic power and the power of individual investors, individual decisionmakers, pension plans, mutual funds, et cetera, is to focus on three activities, and that is what this bill does.

It requires that 6 months after enactment, the U.S. Government, the administration, probably the Treasury Department but whichever department is identified by the President, produce a list of those international corporations that engage in any one of these three activities. The first is to invest $20 million in the energy sector of Iran. That is a standard we have adhered to for a long time since the adoption of what was then called the Iran and Libya Sanctions Act, now the Iran Sanctions Act.

□ 1330

The second are those firms selling munitions to the government in Tehran. And the third are those who extend credit of $20 million or more to the Iranian Government.

And at this point, let me pause, because the question arises, what is it to extend credit to the Iranian Government when the Iranian Government issues a long-term bond?

Is it just the company that buys the bond or the financial institution that buys the bond, or is it directly from the Iranian Government, or is it those that provide a secondary market by buying those bonds from the original purchaser?

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for making this point. The gentleman from California is a very careful student of the intertwined legal and economic issues, and the point he is making now is very important. We expect this to be subjected to a sensible economic analysis; that is, if you are providing real value to that government, then you are covered. Clearly, if you have a secondary market for bonds, you've enhanced the value of the initial instrument. So people who support a secondary market for a particular instrument are clearly investing in the underlying issuer. They know that. It is a conscious act. No one is going to be trapped.

So the gentleman is making a very important point, and we want to be very clear. We will be expecting the administration, in preparing this list, to use the same kind of economic analysis we would use in any other case. If an activity, a purchase, an investment, a loan, any financial activity is contributing to the financial enhancement of the Iranian Government, then it triggers, we would believe, this bill.

Mr. SHERMAN. I thank the gentleman and agree with him completely. This bill is designed to cause the list prepared by the administration to include those who invest in bonds issued by the Government of Iran.

I should point out that in identifying the three activities that are going to cause multinational corporations to be listed, that we are paralleling what we did just last week when this Congress passed the bill dealing with the Overseas Private Investment Corporation, which also focused on pretty much the same standards and said those multinational corporations engaged in those activities with the Government of Iran would not be able to be partners of OPIC in its activities around the world.

Now, the bill also provides that any State statute enacted prior to the publication of the first list of firms by the administration would be grandfathered. States do not have to wait and should not wait for the publication of this list by the administration.

States such as Florida, Ohio and California, which are proceeding with divestment measures, and any other States which might consider a divestment program need not wait for the Federal list, and whatever they choose to do will be grandfathered in this legislation.

Now, this bill states explicitly what I think was clearly true of both the Sudan bill we just discussed and this bill, and that is it provides a safe harbor but does not imply that that which lies outside the safe harbor is somehow forbidden. Section 7 of this bill would make it clear that the authorization that's been provided by this bill is just that, a safe harbor, that this bill in no way implicitly restricts or takes away whatever authorities the States, the pension managers and mutual funds already have.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SHERMAN. I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman once again for helping clarify a point. Sometimes when we do legislation I wish we had a clause that we could automatically print out that says ''this bill does not do what this bill does not do,'' because people are forever reading into legislation things that aren't there.

We have some people who have claimed that they do not now have the legal authority to do the divestment. When this bill becomes law, as I hope it will be, and its companion bill, that argument won't be able to be made at all.

I agree with the gentleman from California. I don't think it's a good argument now. But we do want to make clear, in absolutely nailing this down, we in no way want to give any support to the argument that, in the absence of this bill, the authority isn't there. So I thank the gentleman for once again helping us be very clear about what we're doing.

Mr. SHERMAN. I thank the gentleman and agree with him completely.

I believe that divestment is already clearly authorized in the terms of the fiduciary trying to meet their fiduciary obligation. Investing in terror is bad business for States. I don't think they have an obligation to, in making their own investment policy, to conform to some Federal foreign policy. But if they do, Federal foreign policy for a long time has been very clear: don't invest in Iran. That's why we've had the Iran-Libya Sanctions Act, now the Iran Sanctions Act for quite some time.

So this bill will eliminate an excuse for those who do not want to, that have not yet, divested. It will provide a safe harbor, and it will provide guidance for those who want to use their investments to get multinational corporations to take the actions that will be most effective.

It provides a list of companies not to invest in, and it provides a standard to define what particularly it is we want the business community worldwide to desist from doing.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. SHERMAN. I'll yield to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman. Let me quickly thank you for your leadership and thank the ranking member of our Committee on Foreign Affairs, who I know is involved in this action.

And let me applaud the approach. That's what I want to reaffirm. Diplomatic and economic sanctions have not been used effectively against Iran. And with the more publicized National Intelligence Estimates that indicates that terrorism is franchising around the world, the troubling activities of Iran with Iraq and the actions that seem to be moving Iran toward nuclear creativity, if you will, warrants a strong statement by the United States. And it also is warranted because of the active middle class who wants a democratic and free Iran.

This is a right way to go. It is a different approach from a military strike and the representations of this administration about attacking Iran militarily. The American people want to see us act, and I believe that this legislation dealing with a list of those investing and giving guidance to the economic sector is the right direction to take.

And I am also grateful that this does not preempt State law and States that

have already gone further in divestment.

So I thank the gentleman for yielding, and I hope my colleagues will support this legislation.

Mr. SHERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I also thank again the distinguished chairman of the committee for bringing this important legislation to the floor. I yield myself such time as I may consume.

I rise today in support of H.R. 2347, the Iran Sanctions Enabling Act. The radical hard-line Islamic leadership of Iran presents one of the most serious threats today to peace and stability throughout the world. First, their quest to acquire nuclear weapons technology, when you combine that with comments by the Iranian President such that the Nation of Israel should be ''wiped off the map,'' make it clear that the Iranian leadership is unpredictable and dangerous.

The Iranian President has gone even farther by speculating that the collateral damage of attacking Israel with nuclear weapons would be worth the cost to the Muslim world. So for a regime that is developing nuclear capabilities, these are truly extraordinary words, and the world must take notice.

The Iranian President and the Ayatollah's supreme wish is the destruction of Israel and all of her people. They have not tried to mask their goal. They doubt that the Holocaust ever occurred in the past, and now they're making plans for the Holocaust of the future. And there is no doubt about it. Their fresh Holocaust will stretch far beyond the borders of Israel. They will encompass all whom they consider a threat to their values and to their plans. So to confront Iran now is not only in the national interest, it is also in our interest because the U.S. will surely sometime be a target itself.

There is much talk at the U.N. about preventing wars and genocide, but, unfortunately, there is so too little action. The world should not ignore these words now of aggression. Because of the lack of success the U.N. has had in keeping the nuclear technology out of the hands of these radicals, the United States must now take the appropriate measures and work directly with all of our allies to do everything in our power to prevent Iran from obtaining those weapons.

And so that is why I'm here today. I am pleased with H.R. 2347, for this act will do several important measures. First, as indicated, it permits, permits, not mandates, the divestiture from companies with investments of $20 million or more in Iran's energy sector.

Secondly, it directs the Federal Government to produce a list of such companies that qualify for such investment.

Thirdly, it authorizes State governments, local governments and public educational institutions to divest even their pension fund assets from companies on that list.

Fourthly, it permits private investment and pension plan managers to divest from companies listed, as the chairman states, without breaching their fiduciary responsibilities.

As the committee report herein notes, companies based in the U.S. are already barred from doing business with Iran. But these trade investment sanctions do not extend to foreign companies which operate legally. Foreign persons that invested in Iran's energy sector, despite Iran's support of international terrorism and its nuclear program, have provided additional financial means for Iran's activities in these areas, and many United States persons have unknowingly invested in those same persons.

So Mr. Speaker, in conclusion, it is my hope that by allowing U.S. companies to divest their financial interests from any foreign-owned companies doing business with Iran, we will continue to put that pressure on that radical Iranian leadership to end their stated goals of acquiring nuclear weapons and encourage other countries to bolster their trade and economic restrictions on Iran as well.

So I urge my colleagues to support this small but very important step in reining in this extremist regime.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, again, I want to thank the bipartisan leadership and staff of both committees, because the Foreign Affairs Committee, under the leadership of the gentleman from California and the gentlewoman from Florida, have worked on this.

I, in my remarks on the Darfur bill, really spoke about both bills. Let me just reiterate, this is a chance for us to make very clear the overwhelming opposition, staunch opposition of the American people to the nuclear weapons plans of the regime in Iran and other aspects of that regime.

And I hope that we will, I'm told it will be tomorrow, have two overwhelming rollcalls in this House which will be, in themselves, an expression of the American people's views on both the genocide in Darfur and the nuclearization of the Iranian military, and that will then be followed by a widespread demonstration across this country of people's determination as Americans that we will do what we can to stop both of those. So I think this is a very good day for the bipartisan legislative process.

I submit the following correspondence.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 27, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 2347, the Darfur Accountability and Divestment Act.

As you know, Section 7 of H.R. 2347 amends the Employee Retirement Income Security Act of 1974 to provide a safe harbor for changes of investment policies. I am writing to confirm that this provision falls within the jurisdiction of the Committee on Education and Labor.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest and prerogative in H.R. 2347 or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Sincerely,

GEORGE MILLER,
Chairman.

COMMITTEE ON FINANCIAL SERVICES
Washington, DC, July 27, 2007.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your recent letter regarding the consideration of H.R. 2347, the Iran Sanctions Enabling Act of 2007. I agree that the amendment to the Employee Retirement Income Security Act of 1974 to provide a safe harbor for changes of investment policies falls within the jurisdiction of the Committee on Education and Labor.

I appreciate your willingness to allow this bill to move forward today; and I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Education and Labor.

Sincerely,

BARNEY FRANK,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 27, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 2347, the Iran Sanctions Enabling Act of 2007.

As you know, on May 23, 2007, the Committee on Financial Services ordered H.R. 2347 reported to the House. The Committee on Oversight and Government Reform (Oversight Committee) appreciates your effort to consult regarding those provisions of H.R. 2347 that fall within the Oversight Committee's jurisdiction, including matters related to the federal workforce.

In the interest of expediting consideration of H.R. 2347, the Oversight Committee will not separately consider this legislation. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 2347 or a similar Senate bill be considered in conference with the Senate. I also request that you include our exchange of letters on this matter in the Financial Services Committee Report on H.R. 2347 or in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.

Hon. HENRY WAXMAN,
Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: Thank you for your letter concerning H.R. 2347, the ''Iran Sanctions Enabling Act,'' which the Committee on Financial Services has ordered reported. The bill was also referred to the Committee on Oversight and Government Reform. This legislation will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill, I am pleased that our committees have reached an agreement regarding matters within the jurisdiction of the Oversight Committee, specifically those involving the federal workforce. I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed on this bill will not prejudice the Committee on Oversight and Government Reform with respect to its prerogatives on this or similar legislation. I would support your request for conferees in the event of a House-Senate conference.

I will include this exchange of correspondence in the Committee report and in the Congressional Record during the consideration of the bill. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Mr. GARRETT of New Jersey. I now yield such time as she may consume to the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I also rise in support of the bill before us, H.R. 2347, the Iran Sanctions Enabling Act, introduced by the distinguished chairman of the Financial Services Committee, Mr. BARNEY FRANK of Massachusetts.

And I'm proud to cosponsor this bill, Mr. Speaker, because it's based on language that I drafted, and was adopted by the House last Congresses past as part of the Iran Freedom Support Act.

As all of us have heard from the great discussions this morning, Iran's rogue regime has sworn to destroy us, has sworn to destroy Israel, and has throughout decades. It's demonstrated the will and the capacity to do so. It has a long record of pursuing nuclear capabilities and of supporting the extreme elements of Islam, including Hamas, Hezbollah and those who kill and maim Americans in Iraq.

In fact, some have reported that Iran is providing the deep-buried IEDs that are indeed increasing the carnage in Iraq.

No amount of handholding, no amount of dialogue will be able to deter Tehran.

As part of an effort to prevent foreign funds from going to the Iranian regime, the bill before us authorizes State and local governments to direct divestiture and prevent investment in companies with investment of $20 million or more in Iran's energy sector.

And furthermore, the bill requires that a list of those companies that have invested $20 million or more be published biannually.

Furthermore, it protects investment companies and managers from being sued for divesting from companies included in the published list.

And although I fully support this bill, Mr. Speaker, and I commend Chairman FRANK for his efforts on this critical issue, as well as Mr. SHERMAN, who's been a leader on all the bills related to Iran, I'm concerned that this bill merely authorizes divestment from companies investing in Iran, rather than making divestment from those companies mandatory.

□ 1345

H.R. 1357, a bill I introduced earlier this year, along with Minority Whip ROY BLUNT, would require divestment of all government pension plans or Thrift Savings Plans. Moreover, H.R. 1357 prohibits all future investments of government and private pension plans.

I strongly believe that we must increase the pressure aimed at isolating Iran's extremist regime, and the bill authored by Chairman FRANK is an important step toward achieving this goal, and I commend him for it.

There are currently, also, Mr. Speaker, multiple measures dealing with putting further pressure on Iran including the Iran Counter-Proliferation Act, authored by Congressman TOM LANTOS, the chairman of our Foreign Affairs Committee; and we have got to work to have those bills passed and build upon them in order to derail the dangerous ambitions of Iran.

So I urge my colleagues to support this measure. It is part of the effort of many of us to prevent U.S. dollars from enabling and facilitating the murderous efforts of radical extremists who intend to destroy us and our allies.

I thank the gentleman from New Jersey for yielding me the time, and I thank the chairman, Mr. FRANK of Massachusetts, for this bill.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding and for his work on this legislation and the ranking member of the Foreign Affairs Committee for her work, and, clearly, Chairman BARNEY FRANK and TOM LANTOS.

I rise in strong support of H.R. 2347 and am grateful to have worked on this legislation with Congressman TOM LANTOS and BARNEY FRANK as the chief Republican sponsor.

This legislation will require the U.S. Government to publish a list of companies with investments of more than $20 million in Iran's energy sector and will authorize State and local governments to divest the assets of their pension funds and other funds under their control from any company on the list.

In addition, H.R. 2347 provides safe harbor from litigation by shareholders for pension fund managers, managers of mutual funds, and corporate pension funds who divest from companies on this list.

When Americans invest, it seems to me they want to know their dollars are not going to prop up the regime in Tehran, a sponsor of terrorism and an avowed enemy of American interests. By allowing State pension funds and mutual funds to more easily divest from energy companies doing business in Iran, this legislation will give investors more choice in directing their investments.

Because I believe military action against Iran, while not off the table, must be an absolute last resort, it is critical our government utilize the tools at our disposal including economic sanctions and a divestment campaign to deter the threat Iran poses to global security.

Iran is pursuing nuclear capabilities and is one of the world's most egregious exporters of terrorism. The seriousness of these facts was made clear when Iran's President threatened to ''wipe Israel off the map.''

In addition, last April Ayatollah Khamenei told another of the world's worst human rights abusers, Sudan, that Iran would gladly transfer nuclear technology. He stated: ''The Islamic Republic of Iran is prepared to transfer the experience, knowledge, and technology of its scientists.''

The bottom line is, in defiance of its assurances to the contrary, Iran remains committed to a nuclear weapons program. The United States must be unequivocal in its rejection of these ambitions and the financial support they require.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding.

And I again want to emphasize that we are taking a monumental step forward in getting America's foreign policy on record opposing the actions in Iran. I would say almost irresponsible actions by the government.

I wanted to rise and thank Chairman FRANK and Mr. SHERMAN, whose leadership on both the Financial Services Committee and Foreign Affairs Committee is well evident, this commitment to a free and democratic Iran.

But I speak to the Iranian community here in the United States, who, every day that I see them in my own community, want this peaceful and democratic Iran. We have to join with

them, and I think these sanctions raise the ante on the economic divestiture and also the opportunity for diplomacy.

Mr. Speaker, I rise today in strong support of H.R. 2347, the Iran Sanctions Enabling Act of 2007. I would like to thank my colleague, Chairman FRANKS, for introducing this important legislation, as well as for his leadership on the Financial Services Committee.

According to the Administration's ''National Security Strategy'' document released on March 16, 2006, the United States ''may face no greater challenge from a single country than Iran.'' I find Iran's support of terrorist organizations, pursuit of nuclear weapons, and dismal human rights record to be extremely worrisome. I have long been an advocate of a free, independent, and democratic Iran. I believe in an Iran that holds free elections, follows the rule of law, and is home to a vibrant civil society; an Iran that is a responsible member of the community, particularly with respect to the proliferation of nuclear weapons. An Iran that, unfortunately, we do not see today.

This legislation is a very important step because it uses diplomacy and economic tools effectively. We must not move to join the representation of the Bush Administration to begin another non-declared war. The President should work diplomatically and economically without provoking war or an offensive attack without the constitutional authority.

Mr. Speaker, this bipartisan bill authorizes state and local governments, as well as educational institutions, to divest from companies which invest in Iran's energy sector. Because estimates indicate that these companies account for 80 percent of Iran's hard currency, they directly allow Iran to fund its illicit nuclear weapons program.

The Iran Sanctions Enabling Act of 2007 directs the Secretary of the Treasury to publish biannually in the Federal Register a list of each person, whether within or outside of the United States, that has an investment of more than $20 million in the energy sector in Iran and to maintain on the Web site of the Department of the Treasury the names of the persons on such list. It shields any registered investment company from civil, criminal, or administrative action based upon its divesting from, or avoiding investing in, securities issued by companies included on such most recent list.

Additionally, this legislation expresses the sense of Congress that the Federal Retirement Thrift Investment Board should initiate efforts to provide a terror-free international investment option among the funds of the Thrift Savings Fund. Federal employees should have the opportunity to prevent their retirement savings from being invested in companies that support terrorism.

Mr. Speaker, Iran cannot be permitted to develop nuclear bombs. Although most experts believe that Iran is at least several years away from developing a nuclear weapon, the fact that Iran has begun the process is a very clear and disturbing signal. The United States must recognize that it is dangerous to do nothing. But it is equally dangerous to take actions that are rash, unwise, or ineffective.

We have ignored the inflammatory rhetoric of President Mahmoud Ahmadinejad. But we cannot ignore Iran's breaking of the U.N. seals on its uranium-enriching facilities in January. The U.S. government immediately understood the severity of the situation. This is not just a minor diplomatic nuisance—this is a serious security threat. The safety of the Iranian people, the safety of the Middle East, and even our own security is at risk. I firmly believe that we must utilize multilateral diplomatic channels to persuade Iran that it is not in its best interest to pursue nuclear weapons programs. I strongly support economic and diplomatic efforts to reign in Tehran, and I believe that we can work to resolve this crisis without resorting to the use of force.

I strongly support this important legislation, and I urge my colleagues to do the same.

Let me just add, in my final comments, my support for H.R. 180, and I thank Congresswoman BARBARA LEE and Chairman FRANK for raising to the level of prominence the importance of divestiture in Sudan. There is not one day when we are not accounting for the numbers who die, the numbers who are suffering in Chad, and I want to rise to thank my State, the State of Texas, for being one of those States that has approved legislation that has divested our State funds from Sudan.

As I close, let me say as Secretary Paulson makes his way to China, I am hoping that he will have on his agenda the divestiture by China out of Iran and out of Sudan. It is, I believe, an international embarrassment but, more importantly, lives are being lost. And I think it is an important diplomatic, if you will, crisis that China continues to support Sudan through its energy purchases. I hope that is a discussion, and I ask my colleagues to support both bills.

Mr. GARRETT of New Jersey. Mr. Speaker, I commend the gentleman and gentlewoman on the other side of the aisle for their efforts on this legislation.

Mr. HOYER. Mr. Speaker, I strongly support this legislation, the Iran Sanctions Enabling Act of 2007 (H.R. 2347), which would authorize state and local governments to direct divestiture from and prevent investment in entities with investments of $20 million or more in Iran's energy sector.

As Iran continues to pursue its nuclear agenda—in defiance of UN sanctions and international pressure—the United States must leverage not only its diplomatic resources but its economic influence when it comes to Iran. Simply put, we must act aggressively to ensure that we are not providing Iran with money to develop nuclear weapons.

This legislation will help us do that.

Among other things, this bill would require the publication of entities, both inside and outside the United States, that have an investment of more than $20 million in Iran's energy sector. Any entity designated on this list could delay publication of its name if it demonstrates that it is taking steps to divest from Iran.

Furthermore, the bill provides a safe harbor for investment and pension fund managers from lawsuits alleging that divestment would lower a fund's profits.

Mr. Speaker, Iran's support for terrorist groups such as Hezbollah is well known and it is listed as a state sponsor of terrorism by our State Department.

In addition, the President of Iran, Mahmoud Ahmadinejad, has made repeated outrageous statements toward the United States and our ally, Israel, even calling in October 2005 for Israel to be ''wiped off the map.''

Given Iran's continued hostility and defiance of the international community, it is imperative that we use all the tools in our national security arsenal to attempt to change Iran's behavior. And, state-level divestment campaigns are an essential way for state officials to prevent retirement funds from helping Iran pursue nuclear weapons and fund terrorism.

Although U.S. companies have been barred from directly investing in Iran since 1996, there are investment avenues not covered by those restrictions. This bill would close some of the loopholes in previous legislation and executive orders by prohibiting public pension funds from investing in foreign companies that do more than $20 million in business in Iran's oil and gas sector.

Iran is already struggling with domestic instability, gas rationing and falling foreign investment. This legislation provides a useful diplomatic and economic tool to further push Iran toward complying with international pressure, both to stop its nuclear activities and to cease its sponsorship of terrorist groups.

I urge my colleagues to support this bill.

Mr. LANTOS. Mr. Speaker, I commend the Chairman of the Financial Services Committee, my good friend Congressman BARNEY FRANK of Massachusetts, for authoring this critical piece of legislation, of which I am proud to be a principal cosponsor. This bill, H.R. 2347 the Iran Sanctions Enabling Act of 2007, is a critical element in a network of efforts intended to prevent the realization of a nightmare, a nuclear-armed Iran.

Several of us in this body have been working ceaselessly to achieve—by peaceful means—an end to Iran's quest for nuclear status. We have produced several pieces of legislation to achieve that end. The goal of all of this legislation is to deprive Iran, insofar as possible, of the benefit of its cash-cow, oil sales. And the means of doing this is to deter foreign investment in Iran's energy industry.

Mr. Speaker, the primary purpose of this bill, H.R. 2347, is to allow state and local governments to contribute to this effort by divesting their pension plans of any foreign entity that invests in Iran. This legislation does not require them to divest, but it would certainly seem to be a wise course for them to choose, since foreign entities that invest in Iran's energy industry are subject to U.S. sanctions and therefore liable to lose a significant part of whatever their prior value may have been.

Iran's bid for nuclear arms is the challenge of our age. Iran already seeks to dominate the Middle East through intimidation, including sponsorship of terrorist groups like Hezbollah and Hamas. If it achieves nuclear status, Tehran will greatly enlarge its sway in this volatile region and will likely touch off a regional nuclear arms race as well. Worse, at least one of Iran's leading political figures has intimated that Iran would be willing to use those arms to advance its well-known, reprehensible aims, and there is good reason to believe that other Iranian leaders subscribe to the same view.

H.R. 2347 helps to fortify the barrier we are trying to erect to deter all foreign investment in Iran's energy sector and therefore deprive Iran's theocratic regime of the funds it needs to pay for its horrific nuclear goals.

Mr. Speaker, I strongly support this legislation, and I urge all my colleagues to do likewise.

Mr. PAUL. Mr. Speaker, I strongly oppose any move to initiate further sanctions on Iran. Sanctions are acts of war, and expanding sanctions on Iran serves no purpose other than preparing the American people for an eventual attack on Iran. This is the same pattern we saw in the run up to the war on Iraq: Congress passes legislation calling for regime change, sanctions are imposed, and eventually we are told that only an attack will solve the problem. We should expect the same tragic result if we continue down this path. I urge my colleagues to reconsider.

I oppose economic sanctions for two very simple reasons. First, they don't work as effective foreign policy. Time after time, from Cuba to China to Iraq, we have failed to unseat despotic leaders or change their policies by refusing to trade with the people of those nations. If anything, the anti-American sentiment aroused by sanctions often strengthens the popularity of such leaders, who use America as a convenient scapegoat to divert attention from their own tyranny. History clearly shows that free and open trade does far more to liberalize oppressive governments than trade wars. Economic freedom and political freedom are inextricably linked—when people get a taste of goods and information from abroad, they are less likely to tolerate a closed society at home. So sanctions mostly harm innocent citizens and do nothing to displace the governments we claim as enemies.

Second, sanctions simply hurt American industries, particularly agriculture. Every market we close to our nation's farmers is a market exploited by foreign farmers. China, Russia, the Middle East, North Korea, and Cuba all represent huge markets for our farm products, yet many in Congress favor current or proposed trade restrictions that prevent our farmers from selling to the billions of people in these areas.

We must keep in mind that Iran has still not been found in violation of the Non-Proliferation Treaty. Furthermore, much of the information regarding Iran's nuclear program is coming to us via thoroughly discredited sources like the MeK, a fanatical cult that is on our State Department's terror list. Additionally, the same discredited neo-conservatives who pushed us into the Iraq war are making similarly exaggerated claims against Iran. How often do these "experts" have to be proven wrong before we start to question their credibility?

It is said that we non-interventionists are somehow "isolationists" because we don't want to interfere in the affairs of foreign nations. But the real isolationists are those who demand that we isolate certain peoples overseas because we disagree with the policies of their leaders. The best way to avoid war, to promote American values, and to spread real freedom and liberty is to engage in trade and contacts with the rest of the world as broadly as possible.

I urge my colleagues to reconsider this counterproductive and dangerous move toward further sanctions on Iran.

Mr. GARRETT of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 2347, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SHIRLEY A. CHISHOLM UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE ACT OF 2007

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 176) to authorize assistance to the countries of the Caribbean to fund educational development and exchange programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 176

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Shirley A. Chisholm United States-Caribbean Educational Exchange Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Findings and statement of purpose.
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SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—Except as otherwise provided, the term "Administrator" means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) CARICOM COUNTRY.—The term "CARICOM country"—

(A) means a member country of the Caribbean Community (CARICOM); but

(B) does not include—

(i) a country having observer status in CARICOM; or

(ii) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(4) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of State.

(5) UNITED STATES COOPERATING AGENCY.—The term "United States cooperating agency" means—

(A) an accredited institution of higher education, including, to the maximum extent practicable, an historically Black college or university that is a part B institution (as such term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))) or an Hispanic-serving institution (as such term is defined in section 502(5) of such Act (20 U.S.C. 1101a(5)));

(B) a higher education association;

(C) a nongovernmental organization incorporated in the United States; or

(D) a consortium consisting of two or more such institutions, associations, or nongovernmental organizations.

SEC. 3. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The United States and CARICOM countries have enjoyed long-standing friendly relations.

(2) As an important regional partner for trade and democratic values, the Caribbean region constitutes a "Third Border" of the United States.

(3) The decrease in tourism revenue in the aftermath of the tragic terrorist attacks on September 11, 2001, had an adverse affect on the Caribbean region.

(4) According to a 2005 World Bank Report on the Caribbean region, high rates of unemployment, particularly youth unemployment, have had severe implications on poverty and income distributions, as well as drug trafficking and addiction.

(5) The 2005 World Bank Report also concludes that better synchronization is needed between curricula in CARICOM countries and the skills needed in evolving national and regional job markets and economies.

(6) Caribbean leaders have highlighted the need for increased educational opportunities for Caribbean students in fields that will contribute to and support an increasingly competitive regional economy.

(7) Enhancing United States cultural and educational exchange programs in CARICOM countries will expand human resources, provide opportunities that promote economic growth, and improve regional security.

(8) Many Caribbean leaders studied at the undergraduate or graduate level in the United States before returning to their respective countries to contribute toward the strengthening of democracy, the economy, or the provision of social services.

(9) From 2003 through 2005, 217 Caribbean leaders participated in exchange programs with the United States that focused on good governance, combating drug trafficking, anti-corruption, and other regional issues of concern.

(10) The Department of State currently administers public outreach programs that include cultural, academic, and citizen-exchange initiatives in CARICOM countries through the public affairs sections at United States embassies with support from the Office of Public Diplomacy in the Bureau of Western Hemisphere Affairs.

(11) The Caribbean Center for Excellence in Teacher Training (C–CETT), a Presidential Initiative funded by the United States Agency for International Development and implemented by the University of the West Indies, works to improve the quality of reading instruction by training classroom and student teachers in seven countries of the English-speaking Caribbean. Belize, Jamaica, Grenada, St. Lucia, Guyana, St. Vincent and the Grenadines, and Trinidad and Tobago have participated in the C–

CETT as a means to reducing illiteracy in the most disadvantaged urban and remote rural areas.

(12) In Anguilla, Antigua and Barbuda, the Bahamas, Barbados, Belize, the Cayman Islands, the Dominican Republic, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago, the Bureau of Educational and Cultural Affairs of the Department of State sponsors educational advisors to promote study in the United States.

(13) In the 2004–2005 academic year, approximately 14,000 Caribbean students were enrolled in United States colleges and universities.

(14) Shirley Anita Chisholm, who served as a member of the United States House of Representatives from 1968 to 1983, had family roots in the Caribbean nation of Barbados, was a staunch advocate for educational opportunity and access, and increased support for historically Black colleges and universities and other minority-serving institutions in the United States.

(b) STATEMENT OF PURPOSE.—The purpose of this Act is to establish—

(1) an educational exchange program between the United States and CARICOM countries, to be known as the ''Shirley A. Chisholm United States-Caribbean Educational Exchange Program'', pursuant to section 4 of this Act to assist in educating promising students and scholars from CARICOM countries who will invest the knowledge and experiences they gain in the United States back into the community of CARICOM countries; and

(2) a program to provide educational development assistance for CARICOM countries pursuant to section 5 of this Act.

SEC. 4. SHIRLEY A. CHISHOLM UNITED STATES-CARIBBEAN EDUCATIONAL EXCHANGE PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of State is authorized to establish an educational exchange program between the United States and CARICOM countries, to be known as the ''Shirley A. Chisholm United States-Caribbean Educational Exchange Program,'' under which—

(1) secondary school students from CARICOM countries will—

(A) attend a public or private secondary school in the United States;

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States; and

(C) have the option to live with a United States host family and experience life in a United States host community; and

(2) undergraduate students, graduate students, post-graduate students, and scholars from CARICOM countries will—

(A) attend a public or private college or university, including a community college, in the United States;

(B) participate in activities designed to promote a greater understanding of the values and culture of the United States; and

(C) have the option to live with a United States host family and experience life in a United States host community or live in an on-campus housing environment.

(b) ELEMENTS OF PROGRAM.—The program authorized under subsection (a) shall meet the following requirements:

(1) The program will offer scholarships to students and scholars based on merit and need. It is the sense of Congress that scholarships should be offered under the program to students and scholars who evidence merit, achievement, and strong potential for the studies such students and scholars wish to undertake under the program and 40 percent of scholarships offered under the program should be based on financial need.

(2) The program will seek to achieve gender equality in granting scholarships under the program.

(3) The program will limit participation to—

(A) two years of study for secondary school students;

(B) four years of study for undergraduate students;

(C) 30 months of study for graduate students; and

(D) one year of study for post-graduate students and scholars.

(4) For a period of time equal to the period of time of participation in the program, but not to exceed 2 years, the program will require participants who are students and scholars described in subsection (a)(2) to—

(A) agree to return to live in a CARICOM country and maintain residence in such country, within 6 months of completion of academic studies; or

(B) agree to obtain employment that directly benefits the growth, progress, and development of one or more CARICOM countries and the people of such countries.

(5) The Secretary of State shall have the discretion to waive, shorten the duration, or otherwise alter the requirements of paragraph (5) in limited circumstances of hardship, humanitarian needs, for specific educational purposes, or in furtherance of the national interests of the United States.

(c) ROLE OF UNITED STATES COOPERATING AGENCIES.—The Secretary shall consult with United States cooperating agencies in developing the program authorized under subsection (a) and shall make grants to United States cooperating agencies in carrying out the program authorized under subsection (a).

(d) MONITORING AND EVALUATION OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of the program authorized under subsection (a). In carrying out the system, the Secretary shall evaluate the program's positive or negative effects on brain drain from the participating CARICOM countries and suggest ways in which the program may be improved to promote the basic goal of alleviating brain-drain from the participating CARICOM countries.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall review on a regular basis—

(A) financial information relating to the program;

(B) budget plans for the program;

(C) adjustments to plans established for the program;

(D) graduation rates of participants in the program;

(E) the percentage of participants who are students described in subsection (a)(1) who pursue higher education;

(F) the percentage of participants who return to their home country or another CARICOM country;

(G) the types of careers pursued by participants in the program and the extent to which such careers are linked to the political, economic, and social development needs of CARICOM countries; and

(H) the impact of gender, country of origin, financial need of students, and other relevant factors on the data collected under subparagraphs (D) through (G).

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should seek to work with CARICOM countries to establish an educational exchange program under which—

(1) secondary school students from the United States will attend a public or private equivalent school in CARICOM countries; and

(2) undergraduate students, graduate students, post-graduate students, and scholars from the United States will attend a public or private college or university in CARICOM countries.

SEC. 5. PROGRAM TO PROVIDE EDUCATIONAL DEVELOPMENT ASSISTANCE FOR CARICOM COUNTRIES.

(a) PROGRAM AUTHORIZED.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, is authorized to establish a program to provide educational development assistance for CARICOM countries.

(b) PURPOSE OF PROGRAM.—The purpose of the program authorized under subsection (a) is to improve primary and secondary education in CARICOM countries by enhancing teacher training, strengthening curriculum and instructional materials, and assisting improvements in school management and public administration of education.

(c) ELEMENTS OF PROGRAM.—The program authorized under subsection (a) shall extend and expand upon existing primary and secondary school programs in CARICOM countries to provide—

(1) teacher-training methods and training in subject area studies;

(2) classroom and school management;

(3) development and modernization of curriculum and instructional materials;

(4) increased community involvement in school activities; and

(5) local, regional, and national government policy planning on the elements described in paragraphs (1) through (4).

(d) ROLE OF UNITED STATES COOPERATING AGENCIES.—The Secretary shall consult with the Secretary of Education and United States cooperating agencies in developing the program authorized under subsection (a) and shall make grants to United States cooperating agencies in carrying out the program authorized under subsection (a).

(e) MONITORING AND EVALUATION OF PROGRAM.—The Secretary shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of the program authorized under subsection (a).

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should seek to work with CARICOM countries to establish an educational development program under which education in the CARICOM countries is improved and access to quality education for children in CARICOM countries is increased.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) FUNDING FROM PRIVATE SOURCES AND PARTNERSHIPS WITH OTHER APPROPRIATE ENTITIES.—To the maximum extent practicable, the Secretary of State and the Administrator of the United States Agency for International Development should implement the programs authorized under sections 4 and 5 of this Act through utilization of funding from private sources to maximize the impact of United States funds under this Act, and through partnerships with appropriate United States organizations, institutions, and corporations.

(b) AVOIDANCE OF DUPLICATION.—The Secretary and the Administrator shall consult with the Secretary of Education to ensure that—

(1) activities under the programs authorized under sections 4 and 5 of this Act are not duplicative of other United States educational programs for CARICOM countries; and

(2) United States cooperating agencies and partner institutions in CARICOM countries are accredited by national or regional accrediting bodies.

(c) REPORTING UNDER SEVIS.—To the extent necessary, the Secretary shall provide support to United States cooperating agencies that are participating in the program authorized under section 4 of this Act in order to fulfill the requirements for student data reporting under the Student and Exchange Visitor Information System (SEVIS).

SEC. 7. REPORTING REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of State shall submit to the appropriate congressional committees a report on plans to implement the programs authorized under sections 4 and 5 of this Act.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include—

(1) with respect to implementation of the program authorized under section 4—

(A) a plan for selecting participants in the program, including an estimate of the number of secondary school students, undergraduate students, graduate students, post-graduate students, and scholars from each country, by educational level, who will be selected as participants in the program for each fiscal year;

(B) a timeline for selecting United States cooperating agencies that will assist in implementing the program;

(C) a financial plan that—

(i) identifies budget plans for each educational level under the program; and

(ii) identifies plans or systems to ensure that the costs to public school, college, and university education under the program and the costs to private school, college, and university education under the program are reasonably allocated; and

(D) a plan to provide outreach to and linkages with schools, colleges and universities, and nongovernmental organizations in both the United States and CARICOM countries for implementation of the program; and

(2) a plan outlining implementation of the program authorized under section 5, identifying the initial countries in which the program will be implemented and a timeline for implementation.

(c) UPDATES OF REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees updates of the report required by subsection (a) for each fiscal year for which amounts are appropriated pursuant to the authorization of appropriations under section 8 of this Act.

(2) MATTERS TO BE INCLUDED.—Such updates shall include the following:

(A) Information on United States cooperating agencies that are selected to assist in implementing the programs authorized under sections 4 and 5 of this Act.

(B) An analysis of the positive and negative impacts the program authorized under section 4 will have or is having on brain drain from the participating CARICOM countries.

(C) A description of efforts made by the Secretary of State, acting through the Administrator of the United States Agency for International Development, to implement the program authorized under section 5.

(D) A description of the programs established in each CARICOM country receiving assistance under the program authorized under section 5 that provides a detailed explanation of the extent to which the program and the assistance provided are contributing to the purpose of the program described in section 5(b) in the CARICOM country.

(E) An evaluation of additional educational development goals in CARICOM countries, identifying those goals that could be maximized or achieved with United States assistance through the program authorized under section 5. In addition to standard or necessary areas of education review, the evaluation should give attention to factors affecting academic achievement, attrition, and graduation rates in CARICOM countries. The evaluation should suggest ways in which United States assistance can maximize success factors and address factors contributing to poor achievement.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012. Amounts appropriated pursuant to the authorization of appropriations under this section are in addition to amounts otherwise available for such purposes.

Amend the title so as to read: ''A bill to authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

I would first like to thank my colleague, the distinguished gentlewoman from California (Ms. LEE), for introducing this important legislation and garnering the bipartisanship sponsors that it deserves. And certainly I want to thank the chairman of the Western Hemisphere Subcommittee, the gentleman from New York (Mr. ENGEL), for his tireless efforts in pushing forward this initiative.

Mr. Speaker, nearly four decades ago, history was made in the voting booths of New York City. A young lady by the name of Shirley Chisholm became the first African American woman elected to the U.S. House of Representatives in the history of our great land. With her election, Congresswoman Shirley Chisholm broke the ground for African Americans, to be sure. Congresswoman Chisholm was also the child of immigrants from the Caribbean area, and today she remains a great heroine for Caribbean Americans throughout our Nation.

During her tenure in Congress, Congresswoman Chisholm was a staunch advocate for educational opportunity and access. She increased support for Historically Black Colleges and Universities and other institutions in the United States that serve minorities.

It is, therefore, entirely appropriate and fitting that the legislation before the House today is named after the late Congresswoman Shirley Chisholm from the great City of New York. This bill establishes a new and important educational exchange program between the United States and our friends in the Caribbean region.

This effort builds on a priority I have long promoted: fostering better educational and cultural ties between the United States and different regions of the world. Today's bill follows our recent historic passage of the Senator Paul Simon Study Abroad Foundation Act of 2007, a bill to vastly expand study abroad programs that overwhelmingly passed this House in a great example of bipartisan cooperation.

The United States and nations of the Caribbean have long enjoyed friendly relations. As an important regional partner for trade and a bastion of democratic values, our friends in the Caribbean region have been called the ''third border'' of the United States.

In talks with Members of Congress, Caribbean leaders have highlighted the need for educational opportunities for Caribbean students in fields that will allow them to contribute to an increasingly competitive regional economy. We aim to deliver on that request today.

Enhancing our cultural and educational exchange programs in the Caribbean will promote economic growth, improve regional security, and expand opportunities for the hardworking citizens of this region. This educational exchange program will enable secondary school, undergraduate, graduate, and post-graduate scholars from the Caribbean to attend schools, colleges, and universities in the United States. It will allow them to participate in activities designed to promote a greater understanding of the values and culture of the United States. And it will grant them the option either to live in the United States with a host family, enriching them with community and town life here, or to live in an on-campus housing environment.

Mr. Speaker, the late Congresswoman Shirley Chisholm was a great American leader who has inspired generations of African Americans and Caribbean Americans. With passage of this legislation, we honor her memory and ensure that a new generation of Caribbeans can play an even more constructive role in the political and economic developments not only of this region but to continue our friendly relations with this region.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to recognize my good friend from California, Ms. BARBARA LEE, for her leadership in introducing this bill, which is intended to deepen our educational cooperation with our neighbors in the Caribbean.

H.R. 176 authorizes the creation of the Shirley A. Chisholm U.S.-Caribbean Educational Exchange Program to help provide U.S. educational opportunities to qualified students from the countries of the Caribbean community.

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It also authorizes State and USAID to expand existing primary and secondary school initiatives in the Caribbean to provide programs on teacher training methods, school management,

curriculum development, and increase community involvement in school activities.

Increasing the quality of educational opportunities available to our good neighbors in the Caribbean serves the interests of our entire region, and deepens the goodwill that already exists between the people of our countries.

I want to thank Congresswoman LEE and Chairman LANTOS for working with me at the committee level to incorporate language ensuring that state sponsors of terrorism do not receive the benefits provided under this bill. The committee also amended the text to authorize such sums as may be necessary rather than a sum certain for the new programs. This will help ensure that any new activities under the act will not disrupt those educational and exchange programs already being implemented in the region by the State Department and USAID.

Again, I thank my colleagues for their cooperation in preparing this bill for floor consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself 30 seconds just to offer my compliments to my dear friend, the senior ranking member of the House Foreign Affairs Committee, Ms. ROS-LEHTINEN, for her support and leadership in bringing this legislation to the floor.

Mr. Speaker, it is my honor now to give 5 minutes to my good friend and colleague, the prime sponsor of this legislation, the gentlelady from California (Ms. LEE) for her statement.

Ms. LEE. Mr. Speaker, first let me just say today is a good day. I'm very delighted to be able to rise in support of H.R. 176, the Shirley Chisholm U.S.-Caribbean Educational Exchange Act of 2007.

I would like to thank Congressman FALEOMAVAEGA from the American Samoa, the distinguished chairman of the subcommittee on Asia, the Pacific and the Global Environment, for yielding to me, for managing this bill on the floor, and for your assistance and for your leadership.

Also, to our ranking member, Congresswoman ILEANA ROS-LEHTINEN, thank you so much for your diligence and hard work and understanding and clarity of what we wanted to do and making sure that this was done in a bipartisan way. We appreciate so much your leadership.

I am very pleased, as I said, that the House will have an opportunity to discuss this bill today. I want to thank everyone who has helped with this very important piece of legislation. I would also like to thank my good friend, Congressman ELIOT ENGEL, who is the Chair of the Western Hemisphere Subcommittee, and my colleague, the distinguished chairman of the Committee on Foreign Affairs, Congressman TOM LANTOS.

Also, we couldn't have done with this without our staff, who have put in so many hours to ensure that this bill would have the most impact. Particularly, I would like to thank Jason Steinbaum of Mr. ENGEL's staff and Kristen Wells and Peter Quilter of Mr. LANTOS' staff. And let me acknowledge Miguel Ayala from my office for his very, very excellent work on this bill, and Jamila Thompson, formerly of my staff, who really initially worked on this legislation as well as the designation of June as Caribbean-American Heritage Month.

This legislation is so important because our neighbors in the Caribbean, sometimes called the ''Third Border,'' they're often neglected when we consider matters that affect our hemisphere. My bill creates an educational exchange program whereby students in the Caribbean, including secondary school, undergraduate, graduate, postgraduate students and scholars can come abroad to study at United States institutions of higher education. These important programs will not only encourage diplomacy between our Nation and those in the Caribbean, but it will also prepare these students to return home to the Caribbean with the tools and the education they need to move their nations forward in the 21st century.

This legislation also encourages academic partnerships with Historically Black Colleges and Universities and Hispanic-serving institutions, when possible, and will ensure parity between males and females in the program. Furthermore, both merit and financial need will be considered for those exchange programs which we are authorizing today.

This bill also creates and provides educational development assistance for CARICOM nations. It will address the lack of access and the lack of quality education in some areas of the Caribbean by improving primary and secondary education through teacher training, strengthening curriculum, and improving administration and management of schools.

This bill is named after our former colleague, my dear friend, my mentor, the late Congresswoman Shirley Anita Chisholm, who I dearly loved and learned much from and who I deeply miss. She served in Congress from 1969 to 1983 and was of Caribbean descent. Her mother was from Barbados and her father was from Guyana. She represented the 12th District of New York, which to this day continues to have a significant Caribbean-American population.

Congresswoman Chisholm would have been so proud to know that this program will address the very disparities in education that the leaders of the CARICOM nations raised during the conference last month here in Washington, D.C. They met with the President, the Secretary of State, Speaker PELOSI, and also with our colleagues on the House Ways and Means Committee, the House Committee on Foreign Affairs, and the Congressional Black Caucus. And during those meetings with the House Committee on Foreign Affairs, many Members here in our own body heard about the lack of opportunities for students from the Caribbean to study in the United States.

It is clear to me that we need to do more to help our friends and neighbors in the Caribbean, and I hope this bill is just one step with regard to the many that we're looking at that will come forward to move us forward with closer ties to our regions.

Again, I would like to thank everyone who helped me make this bill come to fruition. It has taken a while. It has taken a long time, actually. I am delighted that we, today, will be sending a very clear message to our friends in the Caribbean that we are truly supportive.

You know, when you see other countries in the region providing scholarships for students from the Caribbean, such as Cuba, I think it is now up to the United States to step up to the plate and say we, too, can make sure that students from the Caribbean benefit from the wonderful educational opportunities present in the United States.

Thank you, again, Mr. FALEOMAVAEGA.

Mr. FALEOMAVAEGA. I thank the gentlelady for a most eloquent statement.

Ms. ROS-LEHTINEN. Mr. Speaker, I urge my colleagues to vote ''aye'' on this resolution, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 1 minute to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the chairman of the subcommittee and the manager of the bill. And let me thank the Honorable BARBARA LEE for her leadership and the ranking member for theirs.

Very quickly, it is my pleasure to rise and support this legislation, having had the opportunity to be associated with the Honorable Shirley Chisholm in New York and to see her enormous and challenging leadership. But the crux of this bill is an answer in response to our friends in the Caribbean. Through CARICOM and the leaders and heads of State, they represent the third border of the United States. They provide additional security through their homeland security efforts.

This opportunity for their skilled and talented young people to have an exchange program, to then go back to their own countries and provide the friendship, the alliance, and the security that we will need in the future is a key element of this legislation.

I ask my colleagues to support this legislation, and I congratulate all those responsible for it, and again, acknowledge the leadership of Shirley Chisholm.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of H.R. 176, the Shirley A. Chisholm-U.S. Caribbean Educational Exchange Act of 2007 and urge my colleagues

to support its adoption. As an original cosponsor of this important bill, I want to congratulate my friend and colleague, the Honorable BARBARA LEE for her hard work in getting the bill to the floor today.

Mr. Speaker, U.S.-Caribbean educational exchanges have been on the forefront of multilateral discussions in recent years. Many believe that education exchanges are an excellent means to developing and protecting democratic values. And while the U.S. has not particularly focused on educational advancement in the Caribbean, other nations have. Thousands of Caribbean students participate in exchange programs to distant parts of the globe, yet the U.S. has no specific exchange program for Caribbean scholars.

This legislation would establish in the State Department's Office of Public Diplomacy a U.S.-Caribbean educational exchange program for high school, undergraduate and graduate students, as well as scholars.

It would also enable the U.S. Agency for International Development to develop a regional strategy to expand existing early education initiatives. And the legislation would allow both State Department and USAID to use public-private partnerships to implement the program.

The State Department has repeatedly advocated educational exchanges as one of the best means of public diplomacy. For decades, the Caribbean, our ''Third Border,'' has been one of the U.S. staunchest allies with strong democratic traditions. We've seen how critical the adherence to these democratic ideals has been given how quickly the governments of the region were able to maintain order and rebuild in the wake of the recent devastating hurricane seasons. Furthermore, the leadership in these affected countries was cultivated right here in the U.S.

In fact many of today's Caribbean leaders have received post-secondary education in the United States, and have used their different fields of training to strengthen Caribbean democracy and community involvement. From 2003–2005, 217 Caribbean leaders participated in U.S. exchange programs that centered on innovative ways to fight drug trafficking, anticorruption and good governance policies. We should continue these efforts and expand them to include the future leaders of the Caribbean.

As the only member in Congress whose district is in the English speaking Caribbean, I am well aware of the exciting possibilities that H.R. 176 holds.

Mr. Speaker, our Caribbean neighbors are among the most stable democracies in the world and some of our oldest friends. Too often we take them for granted though and don't give to them as much as we demand from them. While it will not solve all of the problems with our relationship of late, H.R. 176 will serve as a meaningful gesture of good faith and friendship going forward. I urge my colleagues to support passage of H.R. 176.

Mr. WATERS. Mr. Speaker, I strongly support H.R. 176; the Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act. I am proud to be a cosponsor of this bill.

The Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act creates an educational exchange program to enable students from the countries of the Caribbean Community to come to the U.S. and study at an American college or university. The bill requires program participants to return to a Caribbean country or work for the growth, progress and development of the Caribbean Community after they complete their studies. The bill also creates a program to improve primary and secondary education in the Caribbean Community through teacher training, strengthening curriculum, and improving administration and management of schools.

Many Caribbean leaders have received post-secondary education in the U.S. and have used their education to strengthen Caribbean democracy and benefit Caribbean people. For example, from 2003 through 2005, a total of 217 Caribbean leaders participated in U.S. exchange programs dealing with counter-narcotics, anticorruption and good governance policies. The Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act would expand these efforts to include future Caribbean leaders.

It is entirely appropriate that this legislation is named after our former colleague, Congresswoman Shirley Chisholm. Congresswoman Chisholm was of Caribbean heritage and was a strong advocate for quality education. She graduated from Brooklyn College in 1946, received a Masters in Elementary Education from the Teachers College at Columbia University in 1952, and went on to work as a teacher. In 1968, she became the first African-American woman elected to Congress, where she served with distinction from 1969 to 1983. In 1972, Congresswoman Shirley Chisholm ran for president in the Democratic primaries. As a Member of Congress, Shirley Chisholm served on the influential Education and Labor Committee and rose to be its third-highest ranking member.

I urge all of my colleagues to honor Congresswoman Shirley Chisholm and support educational exchange opportunities for Caribbean students by voting in favor of the Shirley A. Chisholm U.S.-Caribbean Educational Exchange Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of the Shirley Chisholm U.S.-Caribbean Educational Exchange Act of 2007. I would like to thank Congresswoman BARBARA LEE and her continued commitment to the Caribbean and education. This legislation helps bridge the educational gap in the Caribbean by creating an educational exchange program for Caribbean students to study in the United States.

Caribbean Nations suffer from high poverty rates, high unemployment rates, and low literacy rates. These conditions have left most Caribbean students faced with the hard choice of education or work; and most are forced to choose work in order to provide for themselves and their families. Educational exchange programs allow Caribbean students to provide opportunities to learn necessary skills for leadership and career success, explore cultural issues, and promotes dialogue of community and/or social relevance. Education is the building block that creates a sound foundation for success and develops strong democratic values. These exchange programs allow students to return to their native homes to contribute to the success of their nation.

This bill also creates new programs to improve primary and secondary education through teacher training. Teacher preparedness and education management is vital to any education system. Providing high quality teachers in critical subject areas is the most important components in building a strong educational structure.

Many Caribbean leaders have received education in the United States, and have used their education to strengthen Caribbean democracy and community involvement. This legislation will help to continue strengthen U.S.-Caribbean relations, I strongly urge my colleagues support in passage this bill.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H.R. 176, the Shirley A. Chisholm United States-Caribbean Education Exchange Program. I would like to pay tribute to our colleague, BARBARA LEE, for introducing this excellent legislation and for the work of Chairman LANTOS in moving H.R. 176 forward.

Representative LEE and I have traveled to the Caribbean together, and we have seen through our site visits, including to St. George's University in Grenada and an education program at an orphanage in Haiti, the tremendous need for expanded educational cooperation between the United States and the Caribbean. In fact, Prime Minister Keith Mitchell of Grenada listed cooperation on education as among the most important issues for his country's citizens.

As such, H.R. 176 creates an educational exchange program between the United States and CARICOM countries, called the Shirley A. Chisholm United States-Caribbean Educational Exchange Program, and provides educational-related assistance for the nations in the CARICOM region. Education is an area in which the United States has a clear advantage—one which we should use to help our neighbors in the Caribbean.

As chair of the House Foreign Affairs Subcommittee on the Western Hemisphere, it has been a priority of mine to help promote good relations between the United States and CARICOM countries. Just last month, the Presidents and Prime Ministers of 14 Caribbean countries met with members of the House Committee on Foreign Affairs as part of the historic Conference on the Caribbean and discussed how we could expand relations. During our meeting, I told the Caribbean leaders that we would pass a U.S.-Caribbean Education Exchange Act soon and hold a hearing on deportees. With today's passage of the Caribbean education legislation and last week's hearing, I am proud to say that we have lived up to our promises.

Mr. Speaker, this bill is aptly named for Shirley Anita Chisholm, a former member of the United States House of Representatives from 1968 to 1983 who had family roots in the Caribbean nation of Barbados. I am glad that we honor her service with this important educational exchange program, and I urge my colleagues to support H.R. 176.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 176, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PEARCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

IRAN SANCTIONS ACT OF 1996 AMENDMENTS

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 957) to amend the Iran Sanctions Act of 1996 to expand and clarify the entities against which sanctions may be imposed, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 957

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

SECTION 1. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(B)(i) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization;

''(ii) any foreign subsidiary of any entity described in clause (i); and

''(iii) any governmental entity operating as a business enterprise, such as an export credit agency; and''.

(b) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after ''petroleum'' the second place it appears the following: '', petroleum refining capacity, liquefied natural gas,''.

(c) CONSTRUCTION.—The amendments made by this section shall not be construed to require the imposition of any measure under section 5 of the Iran Sanctions Act of 1996 against any natural person or other entity that is not specifically described in section 14(13) of that Act, as amended by this section.

SEC. 2. APPLICATION TO SUBSIDIARIES.

(a) IN GENERAL.—Except as provided in subsection (b), in any case in which an entity engages in an act outside the United States which, if committed in the United States or by a United States person, would violate Executive Order No. 12959 of May 6, 1995, Executive Order No. 13059 of August 19, 1997, or any other prohibition on transactions with respect to Iran that is imposed under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and if that entity was created or availed of for the purpose of engaging in such an act, the parent company of that entity shall be subject to the penalties for such violation to the same extent as if the parent company had engaged in that act.

(b) EXCEPTION.—Subsection (a) shall not apply to any act carried out under a contract or other obligation of any entity if—

(1) the contract or obligation existed on May 22, 2007, unless such contract or obligation is extended in time in any manner or expanded to cover additional activities beyond the terms of the contract or other obligation as it existed on May 22, 2007; or

(2) the parent company acquired that entity not knowing, and not having reason to know, that such contract or other obligation existed, unless such contract or other obligation is extended in time in any manner or expanded to cover additional activities beyond the terms of such contract or other obligation as it existed at the time of such acquisition.

(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the issuance of regulations, orders, directives, or licenses under the Executive orders described in subsection (a) or as being inconsistent with the authorities under the International Emergency Economic Powers Act.

(d) DEFINITIONS.—In this section—

(1) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization;

(2) an entity is a ''parent company'' of another entity if it controls, directly or indirectly, that other entity and is a United States person; and

(3) the term ''United States person'' means any United States citizen, any alien lawfully admitted for permanent residence to the United States, any entity organized under the laws of the United States, or any person in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, I want to thank the distinguished chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS) and our distinguished senior ranking member, Ms. ROS-LEHTINEN, for their sponsorship of this bipartisan measure and for their leadership on the issue of Iran.

The dangerous Iranian regime presents us with the overriding long-term issue facing the entire Middle East. The scoundrel, Mahmoud Ahmadinejad, and his theocratic cohorts are working to destabilize security worldwide with their nuclear weapons program. They are targeting Israel specifically through sponsorship of terror groups. And according to Tehran's own claims, several batteries of missiles.

So the most important foreign policy security aim of the United States Government must be to prevent nuclear weapons from ever falling into the hands of Iran. It would destabilize the entire world. That is why the Foreign Affairs Committee has repeatedly passed bills to choke the regime in Tehran so it never gets to that point.

If there is one long-term lesson of the Iraq war, Mr. Speaker, it is that all other means must be exhausted before military use is employed. This is what we aim to do in the Iran issue, tough sanctions, cooperation with our allies, and diplomacy.

The amendment to the Iran Sanctions Act before the House today restores text that was in the original version of the Iran Sanctions legislation passed overwhelmingly by the House last session. Unfortunately, following White House negotiations with the Republican majority at the time, this provision was removed from a subsequent version of the bill that actually became law.

This amendment plugs critical loopholes, actual and potential, for the current legislation that could allow Iran to conduct an end-around on our sanctions. The legislation is intended to truly and fully deprive Iran of revenue it needs to fuel its nuclear weapons program.

The bill before us would fortify current law and enhance the ability of our government to deter foreign investment in Iran's energy industry. It expands the definition used to apply to businesses so that we may restrict anyone and everyone intending to help fuel Iran's sham of an energy industry.

It is more than lamentable that the administration, in fact, has never once availed itself of the potent tools that the Iran Sanctions Act offers to deter such investment. But the administration can rest assured that we will hold its feet to the fire in this session.

For the sake of U.S. interests and for world peace, both the executive branch and the Congress must do everything in its power to prevent the emergence of a nuclear-armed Iran. Congress cannot do it alone. So it is for these reasons that I again commend my dear friend, the ranking member, Ms. ROS-LEHTINEN, for her cosponsorship of this bipartisan legislation and her leadership in the noble effort to prevent a fanatical regime from acquiring nuclear weapons has been outstanding.

As a member of the Foreign Affairs Committee, I am proud to be part of that effort. I strongly support this legislation, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

All of us know, Mr. Speaker, that Iran is a growing threat to the region and to U.S. national security interests.

Iran's record for supporting Islamic extremists is dangerously supplemented by its continued violation of its nonproliferation obligations, its mockery of the International Atomic Energy Agency process, and its continued defiance of the United Nations Security Council's demands to halt its nuclear enrichment and reprocessing program.

Just last week, Iran's chief nuclear negotiator, Ali Larijani, told Britain's newspapers, the Independent and the Guardian, that uranium enrichment was ''like breathing'' for his country, and that Iran would not halt the spinning centrifuges at its main enrichment plant at Natanz, even if the Bush

administration offered security guarantees.

We could just wait for further action from the United Nations to counter the Iranian threat, but even the Iranian regime is aware of the influence of Russia and China at the U.N. Security Council and the refusal of some of our European and Asian allies to sacrifice commercial interests for the sake of nonproliferation.

□ 1415

Just last Wednesday, Iranian leader Ahmadinejad said that U.N. resolutions could not prevent Iran from obtaining nuclear technology. He stated, ''Let's say that they issue Resolution Number 300. What will happen? It should be remembered that Iran is obtaining nuclear technology. They will have to eventually accept that.''

Well, for almost 5 years, Mr. Speaker, Iran has been manipulating the so-called international community buying time to expand, to strengthen and to hide its nuclear activities. In fact, recent public reports further document the construction of a major tunnel complex inside the mountain near the Iranian facility at Natans, near the fortified buildings where the Iranian uranium is reportedly being processed.

This clearly illustrates the frenetic and advanced nature of that regime's nuclear weapon pursuit and should increase our sense of urgency. But the regime's pursuit of these destructive policies has one weakness: Iran's energy infrastructure. Iran's economy and its ability to influence events is heavily dependent on the revenues derived from energy exports. As such, recent U.S. efforts to prevent Iran from acquiring weapons of mass destruction have focused on deterring and prohibiting investments in Iran's petroleum sector.

U.S. law prohibits American firms from investing in Iran. In addition, the Iran Sanctions Act seeks to influence responsible nations to stop their investment in Iran's energy sector, that is the economic lifeline of the regime, by calling for sanctions on those entities. Unfortunately, due to lack of enforcement, lack of commitment from some of our allies, foreign entities which fall outside of the jurisdiction of our country continue to invest in Iran, helping to fill the coffers, enabling the regime in Tehran to pursue not just a nuclear capability, but a chemical and biological program, long-range ballistic missiles and, as all of us know, they are a state sponsor of global Islamic extremism and terrorism.

As part of their effort to isolate Iran and deprive it of its revenues, it needs to fund its nuclear weapons program. My distinguished colleague, Chairman LANTOS, and I introduced the Iran Freedom Support Act, which was enacted into law in September of last year. This legislation strengthens sanctions against those who invest in Iran's petroleum sector, the economic lifeline of the Iranian regime. However, the final version of the law did not include language that would make export credit agencies, insurers and other financial institutions subject to sanctions for their facilitation of investments in Iran's oil industry.

The bill before us, Mr. Speaker, H.R. 957 seeks to close this loophole. The imminent need to close this loophole and to compel responsible nations to do the right thing was clearly articulated in February of this year by Ambassador George Schulte, the chief U.S. representative to the International Atomic Energy Agency. Ambassador Schulte called on European governments to stop giving credits to subsidize exports to Iran and to take more measures to discourage investment and financial investment with Iran.

It is my hope that, despite the clarifications included in the suspension text at the request of other committees, that H.R. 957 is applied vigorously against those governments that claim to support our efforts to stop Iran's nuclear pursuit but fail to take tangible actions to deny the regime the resources to continue along this destructive and dangerous path.

H.R. 957 also seeks to expand the activities covered under the law to include petrochemicals and liquefied natural gas. Concerns were raised that existing law required the clarification that sanctions under the ISA should apply to certain foreign subsidiaries of U.S. companies; therefore, H.R. 957 expands and extends the applications to U.S. foreign subsidiaries as defined in the bill.

This is a straightforward bill with a simple purpose: to enhance our ability to deprive Iran of the revenue it needs to fund its nuclear weapons and to secure greater cooperation from European, Asian, Russian and other allies to cut off the flow of funds to Iran. Responsible nations must immediately stop their multi-million, and in some cases billion, dollar investments in Iran's energy sector.

Mr. Speaker, I strongly urge my colleagues to support this critical bipartisan measure to confront the Iranian threat.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 4 minutes to my good friend, the gentleman from California (Mr. SHERMAN), one of the senior members of the House Foreign Affairs Committee and the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. SHERMAN. Mr. Speaker, we talked earlier today about the Iran Sanctions Enabling Act. The purpose of that bill and the purpose of this bill is to change the behavior of multinational corporations so as to change the behavior of the Iranian Government.

This effort began perhaps with the Iran-Libya Sanctions Act over a decade ago. It worked so well vis-a-vis Libya, that we have renamed it the Iran Sanctions Act, as Libya has, indeed, changed its behavior. It is important that we clarify the law. The sponsor of the bill, the gentlelady from Florida indicated that this bill makes a number of important improvements to the Iran Sanctions Act.

The first is to indicate that it covers financial institutions, insurers, LLCs and other business entities; second, that when we talk about investments in the petroleum sector, that term includes refining petroleum and it includes development of liquefied natural gas.

Finally, I want to thank the gentlelady from Florida for including language in this bill that I had previously gotten into the Iran Freedom Support Act that was passed last year but which was dropped in conference. I want to thank her for putting it in this bill. That language deals with subsidiaries of U.S.-based multinationals. We currently have a ban on U.S. companies doing business with Iran, a ban on most transactions and investments. But some U.S.-based multinationals have used as a loophole through those regulations, through existing law, their foreign subsidiaries. What this bill would do is apply basic U.S. sanctions to all the entities controlled by multinational corporations based in the United States.

As to contracts existing on May 22, 2007, those contacts would have to be wound up at the earliest opportunity and could not be extended to cover additional activities. We then face the issue of what happens when a U.S.-based multinational buys a company that is incorporated abroad and that company already has preexisting contracts with or in Iran.

The activities of such subsidiaries would have to be wound up at their earlier possible opportunity, but furthermore, the U.S. buyer could not even buy that foreign company if the U.S. buyer knew that the company had contracts with the Government of Iran.

The message is clear: If you are building a company abroad and you think you might want to sell it to a U.S.-based multinational, do not have that company do business with Iran; otherwise, it will not be a company that can be easily acquired by a U.S.-based multinational.

This bill is an important part of an overall effort to put economic pressure on the Government of Iran and to let the Iranian elites and people know that they need to desist from their nuclear weapons program.

Also coming before this Congress, I hope soon, will be H.R. 1400, the Iran Counterproliferation Act, which also strengthens the Iran Sanctions Act and whose sponsor is sitting right here with us, the chairman of the Foreign Affairs Committee, Mr. LANTOS.

We have to call upon the administration to actually enforce the Iran Sanctions Act. Since 1998, despite overwhelming evidence, no company has been identified by the United States

Department of State as having $20 million of investment in the Iranian oil sector which triggers the Iran Sanctions Act. It is time for the administration to stop ignoring existing law. It is time to strengthen existing law.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to my good friend from New Mexico (Mr. PEARCE), a member of the Financial Services Committee.

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman from Florida for yielding, and the gentleman, the chairman, for his work on this important bill.

Mr. Speaker, I would tell you that political pressure is one level of magnitude. But financial and business pressures are of another magnitude if we cannot get the attention of Iran in any other way when we should exert every means possible, but beginning with business pressures, they are certainly ones that we should consider.

I was in Israel earlier this year, and an Israeli said, frankly and pointblankly, this was the minority party and the majority party both, separately, each said, the world needs to take care of the Iranian problem. They said that Iran, late in the summer, was going to pass points in their nuclear program that could not be gone back past, that once they passed those, then they have the capability to strike. They expressed deep reservations and deep concern about the inactivity of the entire world and urged us to come back and do things.

It is, again, a very great bipartisan effort that we begin to ratchet the pressure up on the Iranian Government to say that you cannot act like this in the current world, it will just not be tolerated, and that the pressures will be extreme, we will increase those pressures. But I thank both the gentlewoman from Florida and the gentleman for their work on this important issue.

Mr. Speaker, I urge all my colleagues to vote for this particular bill.

Mr. HERGER. Mr. Speaker, I rise in support of H.R. 957.

On May 23, 2007, the International Atomic Energy Agency, IAEA, reported that Iran is continuing to enrich uranium in blatant defiance of three U.N. resolutions. The IAEA also concluded that Iran could develop nuclear weapons in as few as three years. Iran's President has called for Israel to be, and I quote, "wiped off the map." The prospect of this extreme regime developing nuclear arms represents a grave threat to the United States and its allies in the Middle East, Europe, and globally.

I believe the international community must stand united against Iran. We and our allies must do everything possible on a multilateral basis—diplomatically, politically, and economically—to prevent Iran from acquiring nuclear arms capability. The United Nations, in particular, must adopt additional, stronger measures to stop this hostile regime dead in its tracks.

Although I question the effectiveness of unilateral sanctions, I believe that drafted correctly, they can occasionally provide a useful supplement to multilateral efforts. H.R. 957 is one such occasion, as it maintains the President's discretion under IEEPA to consider on a situation-by-situation basis whether the imposition of unilateral sanctions would be the wisest course.

For these reasons, I urge support of H.R. 957.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I want to commend the gentlewoman from Florida as the author of this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 957, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS REGARDING HIGH LEVEL VISITS BY OFFICIALS OF TAIWAN

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 136) expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 136

Whereas, for over half a century, a close relationship has existed between the United States and Taiwan, which has been of enormous political, economic, cultural, and strategic advantage to both countries;

Whereas Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region;

Whereas it is United States policy to support and strengthen democracy around the world;

Whereas, during the late 1980s and early 1990s, Taiwan made a remarkable transition to a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law;

Whereas in spite of its praise for democracy in Taiwan, the United States Government continues to adhere to guidelines from the 1970s that bar the President, Vice President, Premier, Foreign Minister, and Defense Minister of Taiwan from coming to Washington, DC;

Whereas these restrictions deprive the President, Congress, and the American public of the opportunity to engage in a direct dialogue regarding developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan;

Whereas whenever high-level visitors from Taiwan, including the President, seek to come to the United States, their request results in a period of complex, lengthy and humiliating negotiations;

Whereas lifting these restrictions will help bring a United States friend and ally out of its isolation, which will be beneficial to peace and stability in the Asia-Pacific region;

Whereas in consideration of the major economic, security, and political interests shared by the United States and Taiwan, it is to the benefit of the United States for United States officials to meet and communicate directly with the democratically-elected officials of Taiwan;

Whereas since the Taiwan Strait is one of the flashpoints in the world, it is essential that United States policymakers directly communicate with the leaders of Taiwan; and

Whereas section 221 of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1101 note) provides that the President or other high-level officials of Taiwan may visit the United States, including Washington, DC, at any time to discuss a variety of important issues: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) restrictions on visits to the United States by high-level elected and appointed officials of Taiwan, including the democratically-elected President of Taiwan, should be lifted;

(2) the United States should allow direct high-level exchanges at the Cabinet level with the Government of Taiwan, in order to strengthen a policy dialogue with Taiwan; and

(3) it is in the interest of the United States to strengthen links between the United States and the democratically-elected officials of Taiwan and demonstrate stronger support for democracy in the Asia-Pacific region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

□ 1430

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, and I would first like to commend the gentleman from Ohio (Mr. CHABOT) for introducing this important resolution.

Mr. Speaker, Taiwan was once a politically backward, authoritarian state

living under the cloud of martial law and serious human rights abuses. In the matter of a few short decades, it has transformed itself into a thriving and energetic democracy that is a shining beacon for human rights all over the Asian-Pacific region.

Based on our mutual commitment to freedom and democracy, the U.S.-Taiwan relationship has blossomed in step with Taiwan's own revolution. Our two nations now share a complex web of economic, political and strategic ties that only deepen over time.

A fundamental element of our burgeoning relationship is our people-to-people ties. With open arms, we have welcomed Taiwan's businessmen, its students, its scientists, and its artists. My recollection is over 90,000 students from Taiwan attend our colleges and universities throughout our country.

But when it comes to Taiwan's democratically elected leaders, the United States, under both Democratic and Republican administrations, has repeatedly slammed the door in their face. Why, when the Government of Taiwan is a key player in the Asia-Pacific region, do we prevent their highest-level decision makers from even traveling to the United States?

This ill-considered policy toward Taiwan's democratically elected leadership is due to one simple fact: Our policymakers in the White House and State Department cringe in fear that Beijing or the People's Republic of China will be upset if we welcome Taiwan's leaders to our Nation.

To say that this reasoning is wrongheaded is an understatement. Welcoming Taiwanese officials does not mean that we have abandoned the One China Policy nor recognize or endorse Taiwan's secession from China. It is simply an acknowledgement that Taiwan is a democracy, and we treat democratically elected officials with respect.

High-level visits also advance our policy of maintaining peace in the Taiwan Strait through diplomacy and negotiation. Taiwan's leaders need to hear firsthand that the American people strongly support Taiwan and hope for a peaceful, mutually acceptable outcome to the tensions across the Taiwan Strait.

The current, antiquated policy cuts us from valuable opportunities to gather information and exchange views on matters of critical importance to the United States; it reduces the ability of both the Taiwanese and the American people to strengthen economic and cultural ties; and it limits American access to world leaders who play a direct role in the interest of the United States. Perhaps most profoundly, Mr. Speaker, our outdated policy is profoundly disrespectful to the leadership of a democratic friend of the United States.

This resolution expresses the sense of Congress that the restriction on travel for high-level elected and appointed officials from Taiwan to the United States should be lifted so we can strengthen our crucial relationship.

I recall years ago when Taiwan's first elected President, Mr. Lee, was invited by his alma mater, Cornell University, where he obtain his doctorate degree in agricultural science. There was a whole bunch of problems created due to the fact that an elected leader from Taiwan wanted to visit his alma mater, Cornell University, and he was prohibited simply because he was an elected official.

Mr. Speaker, this is a commonsense resolution which I strongly support and urge my colleagues to support.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sponsor of this resolution, Mr. CHABOT, is unfortunately delayed due to airport difficulties, but his statement will be included for the RECORD.

Confucius once declared that ''greeting an old friend from afar is one of life's greatest pleasures.'' Well, the purpose of this resolution is to carry out this wise saying of Confucius, for the leaders and people of Taiwan have been among the most steadfast friends of the United States in the Asia-Pacific region. From the dark days of the Korean War and the Taiwan Strait crisis of the late 1950s, the people of Taiwan and the people of the United States have stood together against the threat of communist tyranny.

A half century of friendship has developed, with deepening commercial ties, and in more recent years, a shared love of democratic values. It is only natural, as Confucius noted, to warmly welcome the leaders of such close friends to Washington.

But the restrictions placed on travel to our country by democratically elected officials in Taiwan, adopted by a series of U.S. administrations, is a self-inflicted wound. The often-quoted Shanghai communique issued in 1972 contains no such restriction. Nor is there any limitation spelled out in the Taiwan Relations Act. In this regard, the intentions of Congress in the Taiwan Relations Act are clear: ''To promote the foreign policy of the United States by authorizing the continuation of commercial, cultural and other relations between the people of the United States and the people of Taiwan.'' How can such relations be promoted without direct communications between officials of the United States and Taiwan?

No one likes being told whom they can or cannot invite to their own home. Americans consider their home to be ''their castle,'' with a sacred right to decide their own affairs within. No outsider should dictate rules and regulations within the American home.

So let's put out the welcome mat for our friends, the democratically elected officials from Taiwan, by giving overwhelming support to this long overdue resolution. I thank the gentleman from Ohio (Mr. CHABOT) for authoring it.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her kind remarks, and I commend the gentleman from Ohio (Mr. CHABOT) who could not make it because of travel problems. Quoting also from the words of Confucius, there are many acquaintances but very few friends, and I believe we are one of the few friends Taiwan has, and we should continue that relationship.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I would again say thanks to the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their work on this issue and for the time that they are yielding.

I first became acquainted with Taiwan when I flew there. I was stationed in Southeast Asia in the military Air Force, and we had missions in and out of Taipei and other airfields, and I began to have a love for the Chinese people there in Taiwan.

After I came back to the United States, I met a good friend who had come from Taiwan and opened a small restaurant in my hometown of Hobbs, New Mexico. Joe Ye and his wife and their son have been long friends of our family. We have had many deep discussions about the future of Taiwan.

So it was with some alarm that I went to Beijing and heard meeting after meeting where the leadership of that country began to say that Taiwan needs to understand that they should voluntarily admit to being part of mainland China. And then the question arose, What if they don't voluntarily do that? The response was always a very unanimous, straightforward, Then we will do it for them militarily.

Those things began to alert me that we have in the future very difficult questions that we need to answer among ourselves here about our old friendships. If we do not have the internal strength, the internal courage, if we do not have the political will to stand by those countries that have stood by us, to remember those old friends from afar, then this Nation will indeed begin to undercut the basis of friendship for many countries, because each one of us is measured by how we live our lives and how we act. And our government, no less, is measured by the way it responds. If we respond to old friends by walking away, by turning our back, by not letting them come here to visit, it is one of the most insensible and insensitive things that we can do.

I really appreciate the work of both parties. Again, this is a good bipartisan

effort to express the sense of this Congress that we will remember our friendships and that we will honor those relationships, that we do understand the importance of the future and the past as we consider who we will spend our time with. And we as a Nation must understand that our government's actions are reflecting every day a value system. Those value systems should reflect what we, the American people, would have, not what seems politically correct or convenient at the moment.

That is not the way I want to be judged, and I don't think it is the way that people in this House want to be judged. I urge all Members to support this resolution to send a loud message to our friends in Taiwan that we do remember you and we do welcome you.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentleman from New Mexico (Mr. PEARCE) for his eloquent statement in support of this resolution.

Mr. TANCREDO. Mr. Speaker, I rise in support of House Concurrent Resolution 136. ...

This common-sense legislation is long overdue.

This resolution will help open the lines of communication between government leaders in Taiwan, and their counterparts here in the United States.

The resolution makes it clear once again that the U.S. Department of State that they should not take actions to prevent high level exchanges between the government of Taiwan and the government of the United States. I say ''again'' because Federal law already makes it clear that high ranking Taiwanese officials are already explicitly authorized to visit the United States.

Public Law 103–416 says that the President of Taiwan or any other high-level should be admitted for discussions with U.S. government officials about important policy issues unless he or she is excludable under the immigration laws of the United States.

Unfortunately, like so many other laws this Congress has passed, is simply ignored by the State Department. The Department seems more interested in complying with communist China's demands than in following the laws made by this democratically elected Congress.

As a result of this defiance, it has become nearly impossible for President Chen, Vice President Annette Lu and other high ranking Taiwanese officials travel to Washington, DC even for routine meetings with administration officials. Instead, these officials are often confined to cities far from the Nation's Capital, and often only then as a point of transit en route to another country. This is unconscionable.

Mr. Speaker, we host all kinds of foreign leaders in Washington because a two-way dialogue is important for maintaining and improving our cultural, economic—and yes—security interests around the world. Keeping an open channel with our democratic allies in Taiwan is part of that process.

I am pleased that my friend Mr. CHABOT has worked so hard to bring this bill to the floor today. And I strongly support his efforts to help improve our communication with our friends and allies in Taiwan.

Mr. CHABOT. Mr. Speaker, it's very unfortunate that we have to come back year after year to urge that restrictions should be lifted for high-level visits by appointed and democratically elected leaders of Taiwan.

Our misguided Taiwan policy is nothing new. The so-called ''One China'' policy is a bipartisan mistake—begun in the Nixon-Kissinger era and exacerbated by President Carter's abrogation of our Mutual Defense Treaty in 1980. It continues to this day.

Just last week, dozens of Members of Congress welcomed Taiwan's Democrat Progressive Party's nominee for the Presidency, Mr. Frank Hsieh, to our Nation's Capitol. There was a little gallows humor at the gathering because, in fact, if Mr. Hsieh wins the election next year, he will no longer be able to come to visit with his friends in Washington, D.C.

Our insulting policy toward our democratic friend and ally should be cast aside to reflect the reality of our strong relationship with Taiwan. Taiwan is a vibrant democracy of some 23,000,000. It is our 8th largest trading partner and the world's 18th largest economy. The Taiwanese people enjoy a full range of freedoms not enjoyed on the other side of the Taiwan Strait—freedom of religion, freedom of the press, and freedom to elect all of their leaders.

Taiwan is a model for young democracies and a great friend to the United States. We should recognize that friendship by abandoning our insulting policy on high level visits and welcoming our Taiwanese friends with open arms. It is the right thing to do.

I urge support of the resolution.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of H. Con. Res. 136 which expresses the sense of Congress that restrictions on visits to the United States by high-level elected officials from Taiwan—including the President of Taiwan—should be lifted. And I thank my friend, Mr. CHABOT of Ohio, for introducing this important resolution.

Taiwan is without a doubt one of the most important allies of the United States in the Asia Pacific region. Taiwan is a rising economic power and has consistently ranked as one of the top ten U.S. export markets. In 2005, U.S.—Taiwan bilateral trade totaled $57 billion. In addition, our political ties with Taiwan have become ever more important in a world where China is increasing its global reach.

I am the Chairman of the House Foreign Affairs Subcommittee on the Western Hemisphere. In Central America and the Caribbean, I have seen China continue to expand its presence while Taiwan becomes increasingly isolated. Given these realities in our own hemisphere, I believe that we must work closely with Taiwan to increase its global visibility and membership in international organizations when it is strategically and politically feasible.

Given our strong political and economic relationship, it would seem inconceivable that we would place restrictions on high-level elected officials of Taiwan during their visits to the United States. Taiwan is a key U.S. ally which is trying hard to maintain its international position, and we should give Taiwan our strong support. I commend Mr. CHABOT for introducing this important resolution and hope that Congress can work closely with the Bush Administration to ensure that these restrictions are actually removed.

Mr. FALEOMAVAEGA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 136, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE THAT JAPAN SHOULD APOLOGIZE FOR ITS IMPERIAL ARMED FORCE'S COERCION OF YOUNG WOMEN INTO SEXUAL SLAVERY

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 121) expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery, known to the world as ''comfort women'', during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 121

Whereas the Government of Japan, during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II, officially commissioned the acquisition of young women for the sole purpose of sexual servitude to its Imperial Armed Forces, who became known to the world as *ianfu* or ''comfort women'';

Whereas the ''comfort women'' system of forced military prostitution by the Government of Japan, considered unprecedented in its cruelty and magnitude, included gang rape, forced abortions, humiliation, and sexual violence resulting in mutilation, death, or eventual suicide in one of the largest cases of human trafficking in the 20th century;

Whereas some new textbooks used in Japanese schools seek to downplay the ''comfort women'' tragedy and other Japanese war crimes during World War II;

Whereas Japanese public and private officials have recently expressed a desire to dilute or rescind the 1993 statement by Chief Cabinet Secretary Yohei Kono on the ''comfort women'', which expressed the Government's sincere apologies and remorse for their ordeal;

Whereas the Government of Japan did sign the 1921 International Convention for the Suppression of the Traffic in Women and Children and supported the 2000 United Nations Security Council Resolution 1325 on Women, Peace, and Security which recognized the unique impact on women of armed conflict;

Whereas the House of Representatives commends Japan's efforts to promote human security, human rights, democratic values, and rule of law, as well as for being a supporter of Security Council Resolution 1325;

Whereas the United States-Japan alliance is the cornerstone of United States security interests in Asia and the Pacific and is fundamental to regional stability and prosperity;

Whereas, despite the changes in the post-cold war strategic landscape, the United States-Japan alliance continues to be based on shared vital interests and values in the Asia-Pacific region, including the preservation and promotion of political and economic freedoms, support for human rights and democratic institutions, and the securing of prosperity for the people of both countries and the international community;

Whereas the House of Representatives commends those Japanese officials and private citizens whose hard work and compassion resulted in the establishment in 1995 of Japan's private Asian Women's Fund;

Whereas the Asian Women's Fund has raised $5,700,000 to extend ''atonement'' from the Japanese people to the comfort women; and

Whereas the mandate of the Asian Women's Fund, a government-initiated and largely government-funded private foundation whose purpose was the carrying out of programs and projects with the aim of atonement for the maltreatment and suffering of the ''comfort women'', came to an end on March 31, 2007, and the Fund has been disbanded as of that date: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of Japan—

(1) should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery, known to the world as ''comfort women'', during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II;

(2) would help to resolve recurring questions about the sincerity and status of prior statements if the Prime Minister of Japan were to make such an apology as a public statement in his official capacity;

(3) should clearly and publicly refute any claims that the sexual enslavement and trafficking of the ''comfort women'' for the Japanese Imperial Armed Forces never occurred; and

(4) should educate current and future generations about this horrible crime while following the recommendations of the international community with respect to the ''comfort women''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, let me first commend my good friend and our distinguished colleague, the gentleman from California (Mr. HONDA), for introducing this very important resolution and for all his hard work to give voice to the so-called ''comfort women.''

Mr. Speaker, the true strength of a nation is tested when it is forced to confront the darkest chapters in its history. Will it have the courage to face up to the truth of its own past, or will it run from that truth in the foolish hope that truth will fade with time.

The Government of Japan's unwillingness to offer a formal and unequivocal apology to the women forced by its Army to be sex slaves during World War II stands in stark contrast to Japan's positive role in the world today. Japan is a proud global leader and a valued ally of the United States, which makes its unwillingness to account honestly for this part of its past all the more perplexing.

The U.S.-Japan relationship, Mr. Speaker, is the bedrock of peace and stability in the Asia-Pacific region. Our reliance and friendship are based on mutual respect and admiration. And together, we have helped promote our shared values of democracy, economic opportunity and human rights throughout Asia. Yet Japan's refusal to make an official government apology once and for all to the women who suffered as so-called ''comfort women'' is disturbing to everyone who values the U.S.-Japan relationship.

No nation can disregard its own past, neither the actions of a few nor the actions of many. Inhumane deeds should be fully acknowledged, a spotlight shined on the whole truth. This is essential to national reconciliation, and it helps the victims to heal. Withholding that acknowledgment only compounds the cruelty.

□ 1445

Post-war Germany, with the most horrendous crimes in its history, made the right choice. Japan, on the other hand, has actively promoted historical amnesia.

The facts, Mr. Speaker, are plain. There can be no denying that the Japanese Imperial military coerced thousands upon thousands of Asian women, primarily Chinese and Koreans, into sexual slavery during the Second World War.

The continued efforts by some in Japan to distort and deny history and play a game of blame-the-victim are nauseating. Those who posit that all of the ''comfort women'' were happily complicit and acting of their own accord simply don't understand the meaning of the word ''rape.''

On June 14, members of the Japanese Government took out a shocking advertisement in The Washington Post that attempted to smear the survivors of the comfort women system, including those who bravely testified before our own House Foreign Affairs Committee. The ad suggested that these women, who were forcibly and repeatedly raped by soldiers, were engaged in ''licensed prostitution that was commonplace around the world at the time.'' This is a ludicrous and infuriating assertion.

Our resolution calls on the Government of Japan officially to acknowledge and to apologize for the appalling acts that Imperial Japan committed against the so-called ''comfort women.'' It seeks admission of an appalling truth. Failure to do so would signal to others around the globe that such horrors can be perpetrated again and treated just as cavalierly as they have been in this case.

But most importantly, Mr. Speaker, it speaks out for the victims of this monstrous system who were terrorized and brutalized by men at war. It gives voice to these courageous women whom others have tried to silence through shame, bigotry, and threats of further violence.

It is appropriate that this House stand up for these women who ask only that the truth be honored. The world awaits a full reckoning of history from the Japanese Government.

I strongly support this resolution, and I urge all of my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise also in support of this resolution, which strikes an important balance, protecting the integrity of history and recognizing present-day reality. It also addresses an issue of great significance for the peoples of the Asia Pacific region.

The tragedy of the ''comfort women,'' the thousands of Asian and European women forced into sexual slavery by the Imperial Japanese Army during the first half of the 20th century, was a horrific crime. For the surviving ''comfort women'' these issues are not historical; they are profoundly personal. Some of them were in our Foreign Affairs Committee when this bill was marked up. Attempts to deny or minimize these facts are a disservice to future generations.

The case of Darfur, which we spoke about earlier today, Mr. Speaker, reminds us all that the issue of the use of military force to abuse women, to abuse children through rape and exploitation is one which we need to look at and one which unfortunately continues to this very day.

At the same time, the resolution makes clear that Japan has been a vital ally of the United States and a generous benefactor of the international community through several decades. It has been a strong ally of the United States on issues relating to, for example, nonproliferation.

It was recently reported that three Japanese banks have stopped engaging in any new business with Iran and that Japanese financial institutions are restricting loans and rejecting an Iranian request to pay for oil imports in currency other than dollars.

So we are proud of the U.S.-Japan alliance and grateful for the friendship of the people of Japan. At the same time, we should also recognize that the issue of unresolved historic grievances from the Pacific war is one that cannot be ignored. It is through reconciliation of these issues that our Asian allies can work constructively together, as is the case with our European allies, and the achievement of regional harmony is in America's vital national security interests.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 5 minutes to my good friend and our distinguished colleague from California (Mr. HONDA), the principal author of this important resolution.

Mr. HONDA. Mr. Speaker, I rise today to express my unconditional and heartfelt support for those euphemistically known to the world as ''comfort women.''

Let me at the outset thank Chairman LANTOS; the vice chair of the subcommittee, ENI FALEOMAVAEGA; and the ranking member, ILEANA ROS-LEHTINEN. I really appreciate your support and your strong, clear statements.

Today, the House will make history as we consider the passage of H. Res. 121, a resolution I introduced which seeks an official apology for what the ''comfort women'' endured under Japan's Imperial Armed Forces during World War II.

On this day, I must recognize my good friend and mentor and former colleague, Representative Lane Evans, whose irreproachable character gave these women hope. The legacy of his spirit has remained with me throughout this incredible journey, during which it has been my personal honor to have carried this torch, and I know that his spirit is with me today too. If he is watching, I would like to thank him for his unparalleled courage and tireless efforts to bring justice and the restoration of dignity to the ''comfort women'' survivors. Lane, semper fi.

I would also like to recognize Ms. Lee Yong-Soo, a survivor of the comfort stations who is here today with us. Ms. Lee has been a stalwart and passionate advocate for herself and her fellow survivors.

On February 15 of this year, Ms. Lee was joined by Ms. Jan Ruff-O'Herne and Ms. Kim Koon-Ja as witnesses in a hearing before the Asia, the Pacific and Global Environment Subcommittee, chaired by my good friend ENI FALEOMAVAEGA. I would also like to thank him and Chairman TOM LANTOS for their outspoken support for these women.

The survivors' riveting and gut-wrenching testimony about the horrors they endured as former ''comfort women'' brought us all to tears and impacted me profoundly. Their courage and indomitable spirit will continue to inspire me every day.

Mr. Speaker, today the House will send a message to the Government of Japan that it should deliver an official, unequivocal, unambiguous apology for the indignity the ''comfort women'' suffered.

Too many times we've seen women victimized by war and conflict. The experience of these women is a vivid reminder that the human rights of women around the world are never fully secure. We know that rape, sexual abuse and sometimes murder of women and girls in war are still committed by armies in various countries. One thinks of Darfur, Bosnia, and East Timor.

We must teach future generations that we cannot allow this to happen.

Mr. Speaker, encouraging our good friend and ally, the Government of Japan, to officially and unequivocally apologize is, in my mind, my heart and the minds and hearts of all those concerned about protecting human rights, the right thing to do.

I have always believed that reconciliation is the first step in the healing process, and I am proud to be here today on this truly historic occasion to continue to advocate with every fabric of my being for that principle.

I urge my colleagues to join me in support of protecting and defending the human rights of ''comfort women'' by voting ''yes'' on H. Res. 121.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 121. I want to thank Mr. HONDA, the chief sponsor for this legislation, Chairman LANTOS, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA and others who have helped bring this to the floor.

This resolution is long overdue. I'm a proud cosponsor of this resolution because it is time for these women to tell their story to the world. It is time for the world to know how horribly humans can treat other humans in times of war and conflict, and it is time for the Government of Japan to own up to the wrongs that it committed toward these women.

During World War II, between 100,000 and 200,000 women were abducted from their homes in Japan and occupied lands, including Korea and China and the Philippines, and forced into the sex trade for the benefit of the Japanese Army. To deny this tragedy is to allow it to happen again. We prevent history from repeating itself only when we actually learn from history, not when we try to deny and obfuscate the truth.

When U.S. Government placed Americans of Japanese descent into internment camps in World War II, we were wrong; and we have since apologized to the families of those victims. This is the measure of responsible leadership. When we implore our friends across the Pacific to apologize for their many mistakes, we ask for no more than what we as Americans are willing to do ourselves.

Japan has been a strong ally of the United States for years, and I believe both countries have benefited greatly from that relationship. However, it is a true friend that will tell another when it is wrong, and I believe the United States has an obligation as an ally to Japan to stand up against this atrocity and to reveal to the world in appropriate fashion.

It is time for the stories of the ''comfort women'' to be told. It is because these courageous women are speaking out and refusing to be silenced that the United States and the world can finally learn why this issue is so important and why we must never allow it to be repeated ever again on this planet.

I urge support for this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 5 minutes to my good friend, the distinguished chairman of the Subcommittee of Asia, the Pacific and the Global Environment, ENI FALEOMAVAEGA.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the distinguished chairman of our House Foreign Affairs Committee, my good friend and chairman, TOM LANTOS, and also our senior ranking member, Ms. ROS-LEHTINEN, for their leadership and efforts in bringing H. Res. 121 to the floor today.

I also want to thank our colleagues, and the gentleman from California especially as the chief sponsor of this legislation, which has the support of some 146 Members, both Republicans and Democrats, fully supporting the provisions of this resolution.

I also want to note, this resolution was previously passed by the International Relations Committee in the last Congress, under the able leadership of our previous chairman, the gentleman from Illinois, Mr. HYDE.

And I would be remiss if I did not also mention the name of another gentleman from Illinois, my good friend Mr. Lane Evans, who was also a champion of this legislation.

Mr. Speaker, H. Res. 121 seeks to express the sense of the U.S. House of Representatives that the Government of Japan should formally acknowledge, apologize and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces coercion of teenage girls and young women into a sexual slavery, euphemistically known as ''comfort women,'' system during its colonial and wartime occupation of Asia and the Pacific islands from the late 1930s throughout the duration of World War II.

On February 7 of this year, the Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment held a hearing on H. Res. 121, the first time ever in the history of the United States Congress that three surviving ''comfort women'' testified for the record.

□ 1500

Ms. Lee Yong-Soo is with us today, and I want to especially commend her and Ms. Koon Kim Lee and

Ms. Jan Ruff O'Herne for their courage and their faith and their belief that one day their story would be told and, in part, their suffering would be set right.

I encourage the world to read their moving testimony, which has brought us to this moment when the United States of America will stand arm in arm with these noble women in demanding an official apology from the Government of Japan.

The comfort women system organized, managed and administered by the Imperial Army of Japan is considered one of the 20th century's most extensive cases of human trafficking and ignored violations of human rights. It was unprecedented in its cruelty and magnitude as teenage girls and young women were raped, systematically beaten, tortured, drugged, mutilated and sometimes even murdered.

According to the United Nations Commission on Human Rights, soldiers of the Japanese Imperial Army abducted and forced some 200,000 young teenage girls and young women from Korea, from China, from the Philippines, from Indonesia, from the Dutch Indies, and other women, forced them into sexual enslavement and abuse.

Today the Government of Japan contends that it has apologized and accepted responsibility for its atrocities. But it wasn't until 1980s and the 1990s that major publications in Japan began to describe the details of the comfort women, and it also wasn't until 1992 in response to these developments that Japan's Chief Secretary, cabinet secretary, Yahei Kono, issued an official statement. After a 2-year period, the foreign ministry of Japan conducted this research, and it did make the admission.

I would include for the RECORD the full statement of Chief Secretary Kono regarding the 2-year study by the Ministry of Foreign Affairs.

In 1993, after a two-year study by the Ministry of Foreign Affairs, under the supervision of the Chief Secretary of Cabinet, an equivalent to the Chief-of-Staff of the White House, Mr. Yahei Kon stated:

The Government of Japan has been conducting a study on the issue of wartime ''comfort women'' since December 1991. I wish to announce the findings as a result of that study.

As a result of the study which indicates that comfort stations were operated in extensive areas for long periods, it is apparent that there existed a great number of comfort women. Comfort stations were operated in response to the request of the military authorities of the day. The then Japanese military was, directly or indirectly, involved in the establishment and management of the comfort stations and the transfer of comfort women. The recruitment of the comfort women was conducted mainly by private recruiters who acted in response to the request of the military. The Government study has revealed that in many cases they were recruited against their own will, through coaxing coercion, etc., and that, at times, administrative/military personnel directly took part in the recruitments. They lived in misery at comfort stations under a coercive atmosphere.

As to the origin of those comfort women who were transferred to the war areas, excluding those from Japan, those from the Korean Peninsula accounted for a large part. The Korean Peninsula was under Japanese rule in those days, and their recruitment, transfer, control, etc., were conducted generally against their will, through coaxing, coercion, etc.

Undeniably, this was an act, with the involvement of the military authorities of the day, that severely injured the honor and dignity of many women. The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women.

It is incumbent upon us, the Government of Japan, to continue to consider seriously, while listening to the views of learned circles, how best we can express this sentiment.

We shall face squarely the historical facts as described above instead of evading them, and take them to heart as lessons of history. We hereby reiterated our firm determination never to repeat the same mistake by forever engraving such issues in our memories through the study and teaching of history.

As actions have been brought to court in Japan and interests have been shown in this issue outside Japan, the Government of Japan shall continue to pay full attention to this matter, including private researched related thereto.

The Kono statement is often cited as Japan's official apology, although it was never endorsed officially by any of Japan's prime ministers and members of cabinets. At the time the chief cabinet secretary was considered part press secretary, part chief of staff but never an official member of cabinet, nor can he ever present himself as an acting prime minister.

2001, Prime Minister Koizumi issued a statement. However, only statements approved by the cabinet and not the prime minister, are a definitive expression of government policy in Japan. Without the approval of the cabinet, all declarations of contrition are considered only personal views.

I want to close my statement and to say this: Someone once said, ''The greatness of a nation is not necessarily measured by its accomplishments, by its ability, but by its ability to face honestly its mistakes of the past and then take appropriate action to correct them.''

I sincerely hope that this will be taken seriously by our good friends and the leadership of the Government of Japan.

I urge my colleagues to support this resolution.

Mr. Speaker, I want to thank Chairman TOM LANTOS of the Committee on Foreign Affairs and our Senior Ranking Member, Ms. ROS-LEHTINEN, for their leadership and efforts in bringing H. Res. 121 to the floor today. I also want to thank our colleague, the gentleman from California, Mr. HONDA, for his sponsorship of this bill which has the bipartisan support of some 146 Members of the U.S. House of Representatives.

I also want to make note that this resolution was previously passed by the International Relations Committee in the last Congress under the able leadership of our previous Chairman, the gentleman from Illinois, Mr. Henry Hyde. I would be remiss if I did not also mention the name of our former colleague and friend, Mr. Lane Evans also from Illinois, who championed this bill for years.

Mr. Speaker, H. Res. 121 seeks to express the sense of the U.S. House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of teenage girls and young women into sexual slavery, euphemistically known as the ''comfort women'' system, during its colonial and wartime occupation of Asia and the Pacific Islands from 1930s and through the duration of World War II.

On February 15, 2007, the Foreign Affairs' Subcommittee on Asia, the Pacific and Global Environment held a hearing on H. Res. 121, and, for the first time ever in the history of the U.S. Congress, three surviving comfort women testified for the record.

Ms. Young Soo Lee is with us today and I want to especially commend her and Ms. Koon Kim and Ms. Jan Ruff O'Herne for their courage and their faith and their belief that one day their story would be told and, in part, their suffering would be set right. I encourage the world to read their moving testimony which has brought us to this moment when the United States of America will stand arm in arm with these noble women in demanding an official apology from the Government of Japan.

The ''comfort women'' system, organized, managed and administered by the Imperial Army of Japan, is considered to be one of the 20th century's most extensive cases of human trafficking and ignored violations of human rights. It was unprecedented in its cruelty and magnitude as teen-age girls and young women were systematically raped, beaten, tortured, drugged, mutilated, and sometimes murdered. According to the United Nations Commission on Human Rights, soldiers of the Japanese Imperial Army, abducted and forced some 200,000 young teenage girls and young women from Korea, China, the Philippines, Indonesian, Dutch, and other women—forced them into sexual enslavement and abuse.

Today, the Government of Japan contends that it has apologized and accepted responsibility for its atrocities. But it wasn't until the 1980s and 1990s that major publications in Japan began to describe the details of the ''comfort women'' system and that countries occupied by Japan also began to speak out about it. I wasn't until 1992, in response to these developments, that Japan's Chief Cabinet Secretary Yohei Kono issued a statement.

This ''Kono Statement'' is often cited as Japan's official apology although it was never endorsed officially by any of Japan's prime ministers and their cabinets. At the time, the Chief Cabinet Secretary was considered part Press Secretary, part Chief of Staff, and never an official member of Cabinet, nor can he ever present himself as an Acting Prime Minister.

In 2001, Prime Minister Koizumi issued a statement. However, only statements approved by the Cabinet, not the Prime Minister, are a definitive expression of government policy in Japan. Without the approval of the Cabinet, all declarations of contrition are considered only personal views.

Interestingly, as this topic has gained widespread attention as result of February's hearing, both the Japanese government and press have ignored the fact that Members of Congress now understand both Japan's legislative system and history of the Comfort Women tragedy. We are not ignorant, as some reporters have suggested. We know what does and does not constitute an official apology. We are also aware of the propaganda being churned out by the Japanese press intent on revising history by denying the validity of the ''Comfort Women'' controversy.

This year, Prime Minister Abe denied the existence of sexual slave camps. Then he retracted his statement because of pressure from leaders of the Asia-Pacific region. Now he says that he ''respects'' the finding of the Kono Report of 1993. What does this mean?

I have a special love and affinity for the people of Japan. But more sacred to me is our obligation to emphasize the fact a systematic abduction and raping and abuse of women as a weapon of war is totally unacceptable, and I believe the people of Japan agree. In fact, it can be argued that H. Res. 121 reflects the will of the Japanese people. In the only survey that the Japanese press appears to have published on the Comfort Women issue, in 2001, Fuji TV's Hodo asked respondents if they thought Japan has apologized sufficiently. 43.8 percent answered no, 37.2 percent answered yes.

Some may say the past is the past and that the U.S. is also an offender and violator of human rights. Maybe this is so. But nowhere in recorded history has the U.S. military command as a matter of policy issued a directives allowing for the coercion of teenage girls and young women into sexual slavery or forced prostitution. On the other hand, this is exactly what the Japanese military high command did and it is an affront to truth for any government to downplay its history.

Civilized society cannot allow history to be revised or denied under any circumstances. Regardless of what bearing this, or any other issue, may have on bilateral relations, or U.S. foreign policy, civilized society has a moral obligation to remember, to give voice to those who have suffered, to pay living tribute to victims past and present, to defend human rights. Otherwise we run the risk of holocaust.

Today, I want to commend my colleagues for their support and to call upon the Prime Minister of Japan and his Cabinet to issue a formal apology. No amount of money, not even payments set up by private Japanese contributions or the Asian Women's Fund, can atone for the suffering of the thousands of women victimized at the hands of Japan's Imperial Forces before and during, World War II.

While I support any woman's right to lay claim to these funds, I do not believe the Japanese government should suggest that a monetary payment can make right a moral wrong. So, for me, any and all discussions about the Asian Women's Fund sufficing as an act of apology falls short of what is relevant.

What is relevant is that Japan acknowledge, apologize, and accept historical responsibility for its Imperial Armed Force's coercion of teenage girls and young women into sexual slavery during its occupation of Asia and the Pacific Islands during WWII.

Mr. Speaker, I want to conclude by sharing with my colleagues this statement—someone once said that, ''The greatness of a nation is not necessarily measured by its accomplishments, but by its ability to face honestly its mistakes of the past, and then take appropriate action to correct them.''

Again, Mr. Speaker, I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentlelady from Florida for yielding time and also thank Mr. LANTOS.

Mr. Speaker, we have to ask ourselves exactly why would we be interested in this particular thing today. Some might claim that it's an old circumstance, that it existed too far in the past. Others might say that it simply is not our right, not our position, to enter into the discussion.

As far as it being too far in the past, many times I go into the district of New Mexico, the Second District of New Mexico, and I bump into people from the Vietnam era, people my age. I was there in the 1970s, I flew in Vietnam. Many, many have hearts broken by the way a Nation treated them, and just a word of encouragement, just a word of saying welcome home, brother, brings tears that flow down men and women's cheeks from long ago past.

We have a responsibility to impact those circumstances which were not right, which were not just, and no better person than Mr. LANTOS to be talking about this today, because he understands that. He's a steady, quiet voice for reason. Regarding Ms. LEE, who is with us today, I would remember the words of Aleksandr Solzhenitsyn, who said that the simple step of a courageous individual is not to take part in the lie. One word of truth outweighs the entire world.

He went on in that same talk to say that one person of truth impacts the whole world. So I think that we are called to quietly visit with our friends, the Japanese, and I think they are very good friends. I think that we, as good friends, should quietly say, Friend, it's time to acknowledge; it's time to apologize; it's time to speak. Because the healing just doesn't occur on the recipient's part, on those persons who were wronged; the healing begins in the heart of those who have perpetrated the actions. Admission brings a certain humbleness that each one of us begins to recognize that we are not above righteousness, we are not above rightness, that we are not above justice, truth. No single one of us is.

So if we find ourselves at this curious point saying to a long-time trusted friend, It's time to acknowledge; it's time to apologize; it's time to recognize what we have done and to change, it's not a very harsh statement. It's not one taken in anger, but it is one taken with the noblest of objectives, and that is the recognition and the healing of a long-overdue act.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished colleague from California (Ms. WOOLSEY), a member of the Foreign Affairs Committee.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of House Resolution 121, and I thank my colleague, MIKE HONDA, for his leadership on this issue.

I particularly thank Representative Lane Evans, who was with us up until this year, and I hope he is watching today, because he was right when he first introduced this legislation, and his reasons and his legislation remains correct and right today.

Many may claim that the exploitation of the comfort women should be left in the past. That could not be further from the truth. Anyone who has met these brave women knows that they live with the haunting memories in the present every single day. The sexual exploitation, some would say enslavement, must be marked, and it must be remembered. The acts of violence the comfort women faced were inhuman, and it cannot be erased.

This should not be a day of sadness. Today is about accountability and hope for the future. We will remember that those who did not live to see this day and, yet, are still celebrated for their courage. In their honor, we will speak for all of the world here: Never again.

The lesson will be learned. Women are not prizes of war. This has been a long time coming, but there is no statute of limitations on courage and on dignity, and that is what we honor today. We honor the perseverance of comfort women. We call on governments worldwide to accept responsibility for past deeds and work towards a just future.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend from Texas (Ms. JACKSON-LEE), a distinguished member of the Foreign Affairs Committee.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank you, Mr. Chairman, and I thank the ranking member of this committee for creating the forum to recognize atrocities that many have tried to forget.

Let me thank Mr. HONDA, the moving force of this legislation and the chairman of the Subcommittee on Asia, for his leadership, and I am so glad we have all mentioned Lane Evans because of the spirit and the enthusiasm and the determination in which he authored this legislation earlier before he left Congress.

Let me also speak to Ms. LEE, who remains as a steadfast anchor for all the women who cannot speak for themselves.

Mr. Speaker, I want to take a different approach. I hope that people do not take lightly what acknowledgment, apologies and accepting historical responsibility means. This is about sexual slavery.

I ask my colleagues to just think that if we were addressing the question

today, which we have done in our Foreign Affairs Committee on sexual slavery, the holding of women, the debasing of women, the degrading of women, would most of us be rushing to the floor of the House to be able to condemn those actions that might be around us and around the world?

This is no less degrading, and its historical perspective does not diminish the responsibility of Japan and of this Congress to be able to say to these comfort women, women who were sexual slaves, that we apologize or ask Japan to apologize and hold the nation historically accountable for those actions.

Do you know that today textbooks in Japan, many of them diminish the actions of Japan and the activities that held the comfort women? These were women engaged in sexual activities allegedly to give comfort to the military.

So I would simply say, having gone through a number of debates about apologies regarding slavery in America, that apologies do count. It means something for those who have suffered in a way that they can never, never find an expression for.

So I rise today to support H. Res. 121 and place it in a historical context but in the context of today. We know that if any of those issues arise before us, we would stand here in condemnation. The comfort women's plight is no less deserving of our Nation, and, of course, a recognition by Japan that an apology, accountability, will go a long way in soothing the deeply embedded pain for those who no longer live but for those who live and suffer.

I ask my colleagues to support H. Res. 121.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of H. Res. 121, which calls on the Government of Japan to formally acknowledge, apologize, and accept historical responsibility for its role in the coercion of young women and girls, euphemistically known to the world as 'comfort women', to serve as sex slaves in Japanese military comfort stations from the 1930s through World War II.

I would especially like to thank Mr. HONDA for his leadership on the issue of 'comfort women' and for his expression of solidarity with these exploited women and urge each and everyone of my colleagues to support this resolution.

Mr. Speaker, as you well know, the friendship and alliance that exists between the United States and Japan establishes stability and prosperity in Asia and the Pacific and is essential to our security interests in that region. This resolution calls on the Government of Japan to strengthen that tie by acknowledging the facts forever enshrined in history and by publicly denouncing these past heinous human rights abuses in one of the largest cases of human trafficking in the 20th century.

Only in recent years have these victims of Imperial Japanese brutality relayed their stories to the world. In fact, just this year, on February 15, 2007, three women who knew firsthand the unequivocal pain, suffering and horror of sexual servitude at the hands of the Japanese military testified at a subcommittee hearing chaired by Mr. FALEOMAVAEGA. These women relayed heartbreaking real life accounts of years of torment, disease, and separation from their families. These women are still plagued today by the physical and emotional scars of the horrendous human rights abuses committed against them.

On April 26 of this year, my good friend and the former chairman of the Foreign Affairs Committee, Henry Hyde and I co-authored an op-ed in the Washington Times urging 'the Japanese people to courageously acknowledge and redress the wrongs perpetuated by Imperial Japan' on these women and 'to come to grips' with the history of their past. In light of Japan's recent wavering on the accuracy of historical fact regarding comfort women, I stand with my colleagues in urging the Japanese Government to very clearly acknowledge, apologize, and accept historical responsibility in a clear, unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery.

Ms. JACKSON-LEE of Texas. Mr Speaker, I rise today in support of H. Res. 121, which calls on the Government of Japan to accept formal historical responsibility for one of the darkest chapters of World War II history in Asia and the Pacific, the Japanese military's use of "comfort women", the practice of coercion of young women into sexual slavery.

I would first like to acknowledge our distinguished colleague, Mr. HONDA of California, for introducing this important resolution and for his persistent efforts in giving voice to the victims of these crimes against humanity.

Japan, a loyal ally and one of U.S.' closest partners, plays a critical role in maintaining the geopolitical balance in a still volatile region. The Japanese government's refusal to acknowledge the despicable war-time practice of its Imperial Army known as "comfort women" stands in stark contrasts to the courageous humanitarian stand the Japanese government has taken in a number of humanitarian crises around the world and to its role as guarantor for peace in the region.

Facing up to one of the darkest chapters of its history is a genuine test for the maturity of a nation. In the aftermath of World War II, the German nation and its government found the courage to account for war crimes that the Third Reich committed during the war and occupation.

There can be no denying that the Japanese military committed those crimes involving thousands of women, mostly of Chinese and Koreans descent. It is particularly disturbing that some in Japan are still trying to distort the historical record and are denying that these crimes took place. The same parties are going even a step further and blaming the victims for engaging into prostitution.

It is up to this House to call for the Japanese government to set the record straight, not just for the sake of the past, but also because rape has been used across the globe today as a weapon of war. By supporting this resolution we send a strong and unambiguous signal to the Japanese Government to acknowledge its historical responsibility. We will also state Congress' strong l condemnation of rape as weapon of war.

While support of the resolution will finally give voice of the numerous victims of these despicable crimes, the Congress' intent is to assure our ally Japan that the resolution aims at forging the process of healing by facing certain historical experience and is not intended as retribution against a partner and ally.

Mr. Speaker, I urge my colleagues to join me In supporting this important resolution.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Res. 121, the Comfort Women Resolution—a resolution that I have supported since its initial introduction in the 109th Congress.

Beginning in the 1930s, the Imperial Government of Japan orchestrated the enslavement of up to 200,000 young Korean women. Many were abducted from their homes and sent to Japanese military brothels. Others were lured from their homes under the false pretense of employment. In what was one of the worst cases of human trafficking of the 20th century, the trauma that these women suffered drove many to conceal their past, either too embarrassed or scared to speak of it. The surviving victims deserve the recognition that they so desire.

To this day, Japan maintains that this issue is closed and the sufferings of individuals inflicted in the war have already been dealt by treaties normalizing its ties with other Asian countries. Some have pointed to Prime Minister Abe's April 27th statement as a formal apology, yet both the Prime Minister himself and Japan's Foreign Ministry went on record to disavow any alleged apology. It is important that the Japanese government confronts this dark part of Japanese history.

This resolution is as much about today as it is about yesterday. The world's strength to oppose killing today is made greater by accountability, for actions present, but also past. It's weakened by denial of accountability and obfuscation of past acts. History is a continuum that affects today and tomorrow. It's much harder to get tomorrow right if we get yesterday wrong.

I urge my colleagues to support this important resolution.

Mr. GARRETT of New Jersey. Mr. Speaker, I am pleased that the House today is considering H. Res. 121 which rightly recognizes the plight of Korean comfort women during the 1930s and World War II. I was proud to cosponsor this resolution which calls on the nation of Japan to formally recognize and apologize for these crimes.

After the Japanese occupation of Korea in the 1930s, the army forced young women to work in brothels. In some cases kidnapped women were transported overseas for sexual servitude. At the end of World War II, these women were left scarred and in many cases far from home with no resources.

Sadly, there are some in Japan who still insist that the army was not formally involved with these crimes or that the women chose to become involved in prostitution. The evidence clearly demonstrates that this was not the case. It is far past time for the Japanese government to recognize the role the army played in these crimes.

Today, we call on them to apologize to the few women who continue to live with the shame of the crimes committed against them. While the relationship between Korea and Japan has improved as both countries turned into thriving democracies, the issue of the comfort women continues to come between them. I hope that this resolution will promote reconciliation so that both countries can move together into a future of cooperation and friendship.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time and yield back the balance of our time.

The SPEAKER pro tempore (Mr. HINOJOSA). The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 121, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: ''A resolution expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery, known to the world as 'comfort women', during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.''.

A motion to reconsider was laid on the table.

URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 427) urging the Government of Canada to end the commercial seal hunt.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 427

Whereas on November 15, 2006, the Government of Canada opened a commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of seal products;

Whereas in February 2003, the Ministry of Fisheries and Oceans in Canada authorized the highest quota for harp seals in Canadian history, allowing nearly 1,000,000 seals to be killed over a 3-year period;

Whereas more than 1,000,000 seals have been killed over the past 3 years;

Whereas harp seal pups can legally be hunted in Canada as soon as they have begun to molt their white coats at approximately 12 days of age;

Whereas 95 percent of the seals killed over the past 5 years were pups between just 12 days and 12 weeks of age, many of which had not yet eaten their first solid meal or taken their first swim;

Whereas a report by an independent team of veterinarians invited to observe the hunt by the International Fund for Animal Welfare concluded that the seal hunt failed to comply with basic animal welfare regulations in Canada and that governmental regulations regarding humane killing were not being respected or enforced;

Whereas the veterinary report concluded that as many as 42 percent of the seals studied were likely skinned while alive and conscious;

Whereas the commercial slaughter of seals in the Northwest Atlantic is inherently cruel, whether the killing is conducted by clubbing or by shooting;

Whereas many seals are shot in the course of the hunt, but escape beneath the ice where they die slowly and are never recovered, and these seals are not counted in official kill statistics, making the actual kill level far higher than the level that is reported;

Whereas the commercial hunt for harp and hooded seals is a commercial slaughter carried out almost entirely by non-Native people from the East Coast of Canada for seal fur, oil, and penises (used as aphrodisiacs in some Asian markets);

Whereas the fishing and sealing industries in Canada continue to justify the expanded seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas two Canadian government marine scientists reported in 1994 that the true cause of cod depletion in the North Atlantic was over-fishing, and the consensus among the international scientific community is that seals are not responsible for the collapse of cod stocks;

Whereas harp and hooded seals are a vital part of the complex ecosystem of the Northwest Atlantic, and because the seals consume predators of commercial cod stocks, removing the seals might actually inhibit recovery of cod stocks;

Whereas certain ministries of the Government of Canada have stated clearly that there is no evidence that killing seals will help groundfish stocks to recover; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the House of Representatives urges the Government of Canada to end the commercial hunt on seals.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, we are all familiar with National Geographic images of fluffy white baby seals nestled next to their mothers. We stare at them on our TV screens or in our magazines and reflexively remark about how adorable they are. But now imagine, if you can, the brutal death that awaits hundreds of thousands of these baby seals every single year. With stunning barbarism, Canadian hunters swoop in with heavy clubs and stun guns to immobilize these little innocent creatures. They are then skinned alive simply so that their soft white fur can adorn winter coats, coats that could be composed of different materials without torturing animals.

These gruesome images are sadly commonplace in the Canadian Northwest. The Canadian Government estimates that over 1 million seals have been killed in the most recent 3-year period. Public outcry over this barbarism led to a ban of all seal products in the United States and in the European Union in 1983. Unfortunately, the public seems to have forgotten that the grisly practices of commercial seal hunters still go on, and international pressure on Canada to end the hunt has abated.

My resolution brings the focus of the United States Congress back to this heinous yearly slaughter. It urges the Canadian Government to cease this gruesome practice and bring Canadian policy in line with that of the United States and the European Union.

Mr. Speaker, let me note that this annual seal slaughter, enacted for mere vanity and vulgar consumerism, is also having deleterious effects on the ecosystem. Nature's careful balance is being thrown off by the depletion of the seal population. The barbaric seal hunt disturbs the food chain, hurting the fishing industry, which is now suffering in Canada.

Ending the commercial seal hunt is not simply a matter of saving beautiful and innocent animals that tug at our hearts. It is a matter of intelligent ecomanagement, prevention of cruelty against animals, and helping our friends to the north restore their otherwise pristine international reputation. Killing baby seals echoes the torture and cruel killing of so many other animals around the world. As cochairman of the Congressional Friends of Animals Caucus, I will continue to bring the world's attention to such practices wherever they exist. I urge all of my colleagues to support this important and humane resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Harp seals, which live off of Canada's east coast, are sought for their pelts. Canadian hunters, who are regulated by Canada's Department of Fisheries and Oceans, have killed almost a million seals in the past 3 years. The government set a quota of 270,000 seals for the season of 2007, which is lower than the limit of 335,000 seals set in last year's season. The quota is determined annually by the department and is set based on estimates of the current seal population. Many concerned citizens are quite upset that these seals are killed in an inhumane way, since many

are beaten unconscious and then skinned while they are still alive.

An independent group of veterinarians, invited by the International Fund for Animal Welfare to observe the seal hunt, concluded that the seal hunt was out of compliance with basic animal welfare regulations in Canada. Also, 95 percent of the seals are less than a year old.

This resolution urges Canada to end the commercial seal hunt. Our Canadian friends are good allies and partners in many areas of common interest, and we hope that they will take this important step. Many have raised alarm about this, including our distinguished chairman of our committee, Mr. LANTOS, and I thank him for his many years of leadership on the plight of people who have been abused, but also animals who have been mistreated.

I rise in strong support of this resolution, and I urge my colleagues to do the same.

Mr. SHAYS. Mr. Speaker, I rise in strong support of House Resolution 427, urging the Government of Canada to end its commercial seal hunts. While many countries have banned the importation of seal products, seal hunting in Canada has grown steadily in size over the past six years.

The Canadian commercial seal hunt is said to have killed approximately 350,000 seals this year—a huge increase from the 67,500 average number of seal deaths during the late 1980s and early 1990s. The seals are either clubbed to death or shot with high-powered rifles so as not to bloody their fur.

Last year the Canadian Government claimed the seal killings brought in $16 million. I question the number and believe even if it is accurate $16 million does not come close to justifying this brutality.

Sixteen million dollars is a mere fraction of the $3 billion that Canada receives from seafood exports. In addition, commercial seal hunting amounts to less than three percent of the annual incomes of commercial fishermen. Furthermore, the market for seal meat is limited. It is generally considered to be inedible and only a few nations import it for human consumption, additional proof of how wasteful seal hunting truly is.

Canada allows the seal hunt because it allegedly helps provide jobs for the region. Newfoundland experiences unemployment rates of up to 40 percent in winter because of its reliance on seafaring jobs and the collapse of the cod fishing industry. While I am sensitive to these concerns, how can this justify the cruel hunting methods employed during seal hunts. Eyewitness reports indicate numerous violations of Canada's marine mammal hunting regulations, such as baby seals being culled, animals being skinned alive, and injured animals being left behind to die slowly.

H. Res. 427 urges the Canadian government to end commercial seal hunting, putting a stop to this cruel practice. I strongly urge its passage.

Ms. ROS-LEHTINEN. With that, Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 427.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING THE ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA, IN JULY 1994

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 188) condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 188

Whereas on July 18, 1994, 85 innocent people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas extensive evidence links the planning of the attacks to the Government of Iran, and the execution of the attacks to the terrorist group Hezbollah, which is based in Lebanon, supported by Syria, and sponsored by Iran;

Whereas on October 25, 2006, the State Prosecutor of Argentina, an office created by the current Government of Argentina, concluded that the AMIA bombing was ''decided and organized by the highest leaders of the former government of . . . Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah'';

Whereas on October 25, 2006, the State Prosecutor of Argentina concluded that the AMIA bombing had been approved in advance by Iran's Supreme Leader Ali Khamene'i, Iran's then-leader Ali Akbar Hashemi Rafsanjani, Iran's then-Foreign Minister Ali Akbar Velayati, and Iran's then-Minister of Security and Intelligence Ali Fallahijan;

Whereas on October 25, 2006, the State Prosecutor of Argentina stated that the Government of Iran uses ''terrorism as a mechanism of its foreign policy'' in support of ''its final aim [which] is to export its radicalized vision of Islam and to eliminate the enemies of the regime'';

Whereas on October 25, 2006, the State Prosecutor of Argentina identified Ibrahim Hussein Berro, a Lebanese citizen and member of Hezbollah, as the suicide bomber who primarily carried out the attack on the AMIA;

Whereas on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, issued an arrest warrant for Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran's Expediency Council, for his involvement in the AMIA bombing and urged the International Criminal Police Organization (INTERPOL) to issue a capture notice (commonly known as a ''red notice'') for Rafsanjani;

Whereas on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, also issued arrest warrants for Ali Fallahijan, a former Iranian Minister of Security and Intelligence, Ali Akbar Velayati, a former Iranian Foreign Minister, Mohsen Rezai, a former commander of Iran's Islamic Revolutionary Guards Corps (IRGC), Ahmad Vahidi, a former commander of the elite Al-Quds Force of the IRGC, Hadi Soleimanpour, a former Iranian ambassador to Argentina, Mohsen Rabbani, a former cultural attache at the Iranian Embassy in Buenos Aires, Ahmed Reza Asghari, a former official at the Iranian Embassy in Buenos Aires, and Imad Moughnieh, a leading operations chief of Hezbollah;

Whereas on March 5, 2007, the Executive Committee of INTERPOL supported the issuance of red notices for Hezbollah operative Imad Moughnieh and five Iranian officials noted above for whom Argentine Judge Rodolfo Canicoba Corral issued arrest warrants;

Whereas Iran has appealed the INTERPOL Executive Committee's decision, and the General Assembly of INTERPOL will issue a final ruling on the red notices when it meets in Morocco in November 2007;

Whereas the inability to reach suspected Islamist militants and Iranian officials has debilitated the efforts of the Government of Argentina to prosecute masterminds and planners of the 1994 AMIA bombing;

Whereas the current Government of Argentina has made significant advances in the AMIA investigation; and

Whereas Argentina recently approved anti-terrorist legislation which seeks to criminalize financing, fund-raising, and money laundering activities of groups linked to terrorism: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reiterates its strongest condemnation of the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and honors the victims of this heinous act;

(2) expresses its sympathy to the relatives of the victims, who have waited 13 years without justice for the loss of their loved ones, and may have to wait even longer for justice to be served;

(3) applauds the current Government of Argentina for increasing the pace of the AMIA bombing investigation, as well as on its recently approved anti-terrorism legislation;

(4) urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case and to bring those responsible to justice;

(5) calls upon the General Assembly of INTERPOL to uphold, issue and implement the red notices supported by the Executive Committee of INTERPOL in March 2007; and

(6) calls upon responsible nations to cooperate fully with the investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities, and by detaining and extraditing to Argentina, if given the opportunity, any of the Iranian officials and former officials, Hezbollah operatives, and Islamist militants against whom Argentine or international arrest warrants are pending in connection with the AMIA case.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, 13 years ago this month, 85 innocent people lost their lives in the bombing of a Jewish cultural center in Buenos Aires. Today we commemorate the profound pain of the families who had their loved ones brutally taken from them. We also recall the shock felt in Jewish communities throughout the world at this ferocious attack on innocent lives in a city where Jewish people had previously felt secure. But with consideration of this resolution today, we not only commemorate but we demand justice. It is absolutely imperative that the international community push ahead with the critical investigation to bring the perpetrators to justice.

Mr. Speaker, just last fall the state prosecutor of Argentina concluded that the attack had been approved in advance by Iran's Supreme Leader and by the highest officials of the Iranian Government. The former Iranian Ambassador to Argentina actually provided key information in planning to carry out this vicious attack.

There is a new leader in Tehran these days. He is no less anti-Semitic and no less menacing, but he threatens to develop infinitely more dangerous weapons than those used to perpetrate the slaughter in Argentina.

Mr. Speaker, the United States cannot and will not allow the reckless Iranian leader Ahmadinejad to obtain nuclear capabilities. There is also little doubt that the Iranian masterminds in 1994 called upon their Hezbollah thugs to execute their nefarious plans. We also know that the Hezbollah terrorist cell that carried out the attack received financial and logistical support from sympathizers in the tri-border region between Paraguay, Argentina, and Brazil. The suicide bomber himself may have entered South America and traveled to the Argentina capital through this lawless frontier.

Mr. Speaker, although nothing like the bombing has been replicated in South America since 1994, supporters and facilitators of Islamic terrorist organizations have gathered in scattered outposts throughout the western hemisphere. Operating from hard-to-reach areas in Chile, Colombia, Venezuela and Panama, these individuals lend financial and logistical assistance to terrorist organizations in the Middle East.

Mr. Speaker, although these isolated communities have yet to grow into operational cells of Islamic terrorists, the threat to regional security remains strong and requires constant vigilance. We must redouble our efforts to root out terrorist fund-raising networks in the western hemisphere and to unearth the growing web of links between terrorist financiers and narcotic traffickers.

This important resolution encourages the Government of Argentina to continue its pursuit of the criminals in the bombing, and it calls upon the General Assembly of INTERPOL to uphold and implement international arrest warrants recently issued for the Hezbollah and Iranian operatives.

Mr. Speaker, only by taking the investigation of the AMIA bombing to its ultimate conclusion, the capture and punishment of those who planned it, will we show Iran, Hezbollah, and those who support terrorism that we are serious about combating it. International terrorists have demonstrated that they will not rest in pursuit of their villainy. This resolution once again puts them on notice that they will fail whether they are in the Middle East or in the Americas.

I strongly urge my colleagues to support this important measure.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Con. Res. 188.

Mr. Speaker, 13 years ago, on July 18, a radical Islamist with ties to the terrorist group Hezbollah bombed the AMIA Jewish Community Center in Buenos Aires, Argentina, the heart and soul of the largest Jewish community in South America, killing 85 innocent people. From the beginning of the investigation into this horrific act of anti-Semitism and mass murder, the evidence pointed to the involvement of Hezbollah and its state sponsor, Iran. Moreover, the AMIA bombing opened our eyes, 7 years before 9/11, to the growing threat of radical Islam and Islamic extremists and terrorists in the western hemisphere, our own backyard.

The tri-border area, where Brazil, Paraguay and Argentina meet, continues to be a lawless zone where Islamist terrorist groups meet and engage in arms, drug dealing and contraband smuggling that finances their deadly deeds and aims. It could easily become a base of operations to carry out further terrorist attacks that could even strike on U.S. soil. Therefore, to address this threat to our interests and national security, the United States and our allies must bring to justice those responsible for past acts of terror. We must vigilantly combat radical Islamic terrorist groups before they strike again.

Sadly, Mr. Speaker, for over a decade those responsible for the atrocity at AMIA have not been captured and prosecuted, causing our enemies to be emboldened to strike again. Nonetheless, despite numerous obstacles, the wheels of justice have started to gain momentum.

Last October, the state prosecutor of Argentina concluded that the AMIA bombing was, in his words, ''decided and organized by the highest leaders of the former Government of Iran whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah.''

Last March, acting on the state prosecutor's conclusions, INTERPOL's executive committee recommended the issuance of red notices for five Iranian officials and one Hezbollah operative in connection with the bombing.

□ 1530

Iran, still determined to act with impunity, has appealed the Executive Committee's decision to INTERPOL's General Assembly, which will meet upcoming this November.

It is vital, vital, Mr. Speaker, that INTERPOL's General Assembly uphold the recommendation of the Executive Committee and issue the red notices, which could lead to the arrest of these individuals.

To successfully prosecute this case, Argentina must be able to arrest and extradite the named Islamic militant and Iranian officials.

It is important to note that at least one of the five indicted Iranian officials worked for the Iranian embassy in Buenos Aires at the time of the AMIA bombing.

The evidence appears to indicate that Iran used officials who have diplomatic immunity to help support and plan the attack, and that Iran has used its embassies abroad to further its terrorist plots and radical Islamic goals.

Indeed, all signs show that Iran is vigorously increasing its diplomatic presence in the western hemisphere, seeking to increase its power, to spread its radical Islamic ideology, to undermine the United States, and to wreak havoc throughout the region. These dangerous efforts must be addressed, Mr. Speaker.

Many nations in the hemisphere have joined with the United States and regional organizations to fight the growing threat of Islamic extremists that has become evident since the AMIA bombing. For example, several nations participate in joint counterterrorism training and simulations and have joined counterterrorist protocols and agreements.

Argentina deserves particular commendation. In addition to its significant progress in the AMIA investigation during the past year, Argentina recently approved legislation which criminalizes financing, fund-raising, and money laundering by groups linked to terror.

Mr. Speaker, these nations deserve our continued support and encouragement. However, there is much left to be done.

H. Con. Res. 188, which I introduced with the distinguished chairman of the Foreign Affairs Committee, Mr. LANTOS, seeks to address a number of

issues that we have raised. The resolution condemns the AMIA attacks, honors the victims, and, thirdly, expresses our sympathy to their long-suffering families.

It also calls upon the General Assembly of INTERPOL to issue and implement the red notices supported by INTERPOL Executive Committee, and calls upon responsible nations to cooperate fully with the AMIA investigation.

Mr. Speaker, for years, Chairman LANTOS and I have spoken in this Chamber calling for justice to be served in the AMIA case. Finally, those responsible for this atrocity are running scared, recognizing that they may not escape the consequences of their crime, that we are determined to prevent history from repeating itself.

Justice may be delayed, but it must be denied. Therefore, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to commend my good friend, the gentlelady, as the prime sponsor of this resolution.

Ms. ROS-LEHTINEN. If I could ask the gentleman to yield for a request.

Mr. FALEOMAVAEGA. I yield.

Ms. ROS-LEHTINEN. I have to go to another meeting, and if you would allow me, I would like to yield the balance of our time to Mr. BOOZMAN, a member of the Subcommittee on Terrorism, Nonproliferation and Trade on the Foreign Affairs Committee.

Mr. FALEOMAVAEGA. I have no problem with that, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from Arkansas (Mr. BOOZMAN) will control the balance of the gentlewoman's time.

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to my good friend, my colleague from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, 3 years ago this Congress passed H. Con. Res. 469, which condemned the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and expressed the concern of the United States regarding the continuing decades-long delay in the resolution of the case. I voted for that resolution because I believe that justice deferred is justice denied, and all those who are responsible certainly must be brought to justice.

I joined my colleagues in saying that we don't condone terrorist actions or military posturing by any nation, nor have I seen any evidence that suggests that those who have been accused are innocent.

But responsible foreign policy means thoughtful and insightful discussion between nations that reflects a desire for both peace and security here at home, in the Middle East, and around the world.

In the 110th Congress, the House of Representatives has passed several bills calling into question the actions of either the country of Iran or the leaders of Iran with respect to their foreign or domestic policy. Today, this Congress has brought up, under suspension of the rules, an additional three bills designed with the same intent.

This continuous renewal of U.S. objections to Iran's and foreign domestic policy can easily have the effect, intended or not, to beat the drum for war against Iran. I mean, isn't this very familiar?

The U.S. House of Representatives treats these resolutions today as being uncontroversial. Let this Congress be warned that the Bush administration can use these resolutions against this body and declare the passage of these resolutions as a green light to engage in aggression against Iran, and Iran could then be the next Iraq.

I believe this House is better served by demanding sensible and responsible diplomatic foreign policy initiatives from the Bush administration; that we should demand that the administration engage immediately in high-level diplomatic negotiations.

By continuing to neglect this duty and engaging in the ongoing condemnation of Iran, without opening of diplomatic channels, what we're doing is systematically destroying every available route to restoring peace and security in the Middle East.

We know that Iran is guilty of belligerent statements. We need to look no further than the second in command, President Ahmadinejad, to recognize the escalation of rhetoric and escalation of provocation between Iran and other nations.

But we also need to look at what's happening in our own country, with the actions of our Vice President, to know that the U.S. Government hasn't been exactly clean on these matters. On March 7, 2006 in reference to Iran, Mr. CHENEY stated: ''For our part, the United States is keeping all options on the table in addressing the irresponsible conduct of the regime, and we join other nations in sending that regime a clear message. We will not allow Iran to have nuclear weapons.''

Now when he said that, it's very clear and unambiguous what that means. When you say all options on the table, you mean a military attack included, including the use of nuclear weapons. This is widely understood to be what the context of that statement was.

So here we are talking about trying to take a direction in foreign policy that would protect this country, and at the same time, we're jeopardizing our very troops in Iraq by rattling the sabers of war against Iran.

And so I think you cannot look at these resolutions apart from the context of administration policy. The same sentiments regarding Iran are reiterated by the Vice President on February 24 at a press briefing in Australia where he said, ''I've also made the point, the President made the point, all options are still on the table.''

Now I think that we have to be careful that this House isn't really acting as a pawn of the administration or emulating irresponsible examples when it comes to our Nation's foreign policy.

Last week the administration announced plans to sell $20 billion worth of U.S. weapons to Saudi Arabia and five other Middle Eastern countries. Arms groups, as well as human rights groups, question this decision, as well they should. The distribution of more weapons in the region when the United States purports to desire peace in the Middle East is counterproductive and counterintuitive.

So we really have to look at this doctrine that we're operating under, and I think this Congress has to demand responsible foreign policy initiatives, whether it's in regard to the Middle East or any other part of the world.

Mr. BOOZMAN. Mr. Speaker, I yield myself as much time as I desire.

Obviously, there's nothing in the bill pertaining to any sort of aggressive action against Iran as far as military action. This, or a similar bill, has been introduced several times since the AMIA bombing, and so there's no way that this is being ginned up by the administration.

Last October, Argentina's state prosecutor concluded that the AMIA bombing was decided and organized, I quote, ''decided and organized by the highest leaders of the former Government of Iran, whom at the same time entrusted its execution to the Lebanese group of Hezbollah.''

Last March, acting on the state prosecutor's conclusions, INTERPOL's Executive Committee recommended the issuance of red notices for five Iranian officials and one Hezbollah operative in connection with the bombing.

This is about an effort to get justice. Delayed justice, as Mr. KUCINICH said, is justice that we certainly need to get done.

And, again, this is not about ginning up in an effort to support the President with some sort of military operation. This is about taking the actions that INTERPOL, taking the actions that the Argentineans want to take, and encouraging them with a sense of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself 1 minute just to say that I do want to thank the gentleman from Ohio for his concerns about this proposed legislation. But as my good friend has stated, this is not in any way to suggest that this is giving more ammunition to the current administration to suggest that we're going to attack Iran in the near future.

I, for one, and I'm certain that every member of the House Foreign Affairs Committee, am going to scrutinize and screen this very, very carefully on any formal proposal coming from the administration as far as taking arms against Iran.

Mr. Speaker, I don't have any further speakers.

I reserve the balance of my time.

Mr. BOOZMAN. Having no further speakers either, I just want to thank the chairman for his hard work on this; thank Ms. ROS-LEHTINEN for introduction of the bill, and the staff for their hard work.

I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from America Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 188, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE OREGON STATE UNIVERSITY BEAVERS BASEBALL TEAM FOR WINNING THE 2007 COLLEGE WORLD SERIES

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 515) congratulating the Oregon State University Beavers baseball team for winning the 2007 National Collegiate Athletic Association Division I College World Series.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 515

Whereas on June 24, 2007, before 25,012 fans at Rosenblatt Stadium in Omaha, Nebraska, the largest championship game crowd in College World Series history, the Oregon State University Beavers baseball team capped an improbable season, winning the 2007 National Collegiate Athletic Association Division I College World Series Championship by defeating the University of North Carolina Tar Heels, 2 games to none, in a best-of-3 championship series;

Whereas the 2007 College World Series Championship represents the second National Championship for the Beavers baseball team;

Whereas the 2007 Beaver baseball team became the first team in a decade to capture back-to-back national titles;

Whereas the 2007 Oregon State University Beaver baseball team became only the 5th team in College World Series history to repeat as national champions;

Whereas the Beavers won 49 games while losing only 18 in 2007;

Whereas the Beavers were undefeated in the 2007 College World Series;

Whereas the Beavers trailed for only 1 of 45 innings they played in the 2007 College World Series;

Whereas the Beavers became the first team to win 4 College World Series games by at least 6 runs;

Whereas the Beavers became the first No. 3 seed to ever win the College World Series since the current 64-team format was introduced;

Whereas the Beavers outscored their opponents 42–16 in the College World Series;

Whereas the Beavers ended their season with 10 straight NCAA tournament victories;

Whereas the Beavers were the only team to return to the 2007 College World Series for a 3rd consecutive year;

Whereas Oregon State University's appearance in the 2007 College World Series marked only the 4th time in the school's history;

Whereas the Beaver baseball team lost 7 starting position players and their top 3 pitchers from their 2006 National Championship team;

Whereas the Beavers are the first team ever to win a College World Series title after not having a winning record in conference play that season;

Whereas Darwin Barney's second inning 2-run home run set a new Beaver record for career hits with 237—eventually ending with 238 career hits;

Whereas freshman pitcher Jorge Reyes was awarded the College World Series Most Outstanding Player after going 2–0 in his 2 starts with a 2.92 ERA becoming only the 5th freshman to win the award in 58 College World Series tournaments;

Whereas the Beavers had 6 players named to the Men's College World Series All-Tournament Team, including pitcher Jorge Reyes, outfielder Scott Santschi, catcher Mitch Canham, second baseman Joey Wong, shortstop Darwin Barney, and designated hitter Mike Lissman;

Whereas undergraduate assistant coach Kurt Steele and his wife Kathy, traveled back from their Saturday wedding in Philomath, Oregon, to be with the team in Omaha on Sunday when it clinched the National Championship;

Whereas the Beavers have displayed great heart, outstanding dedication, resilience, character, and sportsmanship throughout the season in achieving the highest honor in collegiate baseball;

Whereas the students, alumni, and faculty of Oregon State University and other fans of Oregon State University have shown tremendous commitment to and support for the Beavers baseball program; and

Whereas the Beavers have brought pride to Oregon State University, the Corvallis community, the State of Oregon, and Beaver Nation: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Oregon State University Beavers baseball team for winning the 2007 National Collegiate Athletic Association Division I College World Series Championship for a 2nd consecutive year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

□ 1545

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent for Members to have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the Oregon State University Beavers for their win in the 2007 National Collegiate Association Division I College World Series.

On June 24, 2007, Oregon State University captured its second baseball national championship in as many years by defeating the University of North Carolina Tar Heels two games to none in the best of three series. College baseball fans, student athletes, and the general public were treated to an exciting College World Series.

I want to extend my congratulations to the student athletes and coaches for attaining back-to-back national championships.

I want to extend my congratulations to the University of North Carolina Tar Heels and their student athletes for a great season. The Tar Heels had a season record of 57 wins and 16 losses, and they were Atlantic Coast Conference champions.

Winning back-to-back championships has brought national acclaim to Oregon State University's outstanding athletic program, and I know the fans of that university will remember this very special moment for many, many years to come.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I rise also in support of House Resolution 515 congratulating Oregon State University's baseball team for winning the 2007 National Collegiate Association Division I College World Series championship for the second consecutive year.

On June 24, 2007, the Beavers of Oregon State defeated the University of North Carolina Tar Heels by a score of 9–3, sweeping the best of three series, two games to none, to win the 2007 NCAA Division I College World Series championship. They became the first team in 10 years to win back-to-back College World Series championships.

Oregon State University dominated the finals of the College World Series, trailing for only one of the 45 innings they played. The Beavers of Oregon State outscored their opponents 42–16 during their remarkable run in the College World Series, becoming the first three-seed to ever win the tournament.

Much of this team's success is due to Head Coach Pat Casey. After starting the year with only 23 wins and only 3 losses, the team hit a bit of a slump in May, which nearly cost them a spot in the tournament. But Coach Casey kept the team motivated and focused to help lead the Beavers to a 49–18 record.

The 2007 World Series MVP, Jorge Reyes, a freshman, who went 2–0 with a 2.92 ERA during the College World Series, became only the fifth freshman to ever win the award in the 58-year history of the College World Series.

And while we commend the college athletics department today, we should also recognize Oregon State University as an excellent academic institution. Known for its geosciences programs, which rank sixth in the Nation, the university offers over 200 undergraduate programs and more than 80 graduate programs. The campus has a renowned library and exceptional research facilities as well as great internship and study abroad programs to offer its students.

I extend my congratulations to Head Coach Pat Casey, Athletics Director Bob De Carolis, President Dr. Edward Ray, and all of the hardworking players, the fans, and Oregon State University. I am happy to represent my good friend and colleague Representative HOOLEY in recognizing this exceptional team in all of its accomplishments and wish all involved continued success.

I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield 5 minutes to Congresswoman DARLENE HOOLEY.

Ms. HOOLEY. Mr. Speaker, I thank the gentleman from Ohio for yielding.

I rise today supporting Resolution 515, congratulating the Oregon State University Beavers baseball team for winning the 2007 National Collegiate Athletic Association Division I College World Series.

As a representative of Oregon's Fifth Congressional District, the home of Oregon State University, it is my privilege to offer this resolution on behalf of my constituents. As a graduate of Oregon State University, it is with personal pride that I now speak on its behalf.

Ours is an institution set in a small town far removed from the national stage. Yet for those who have ventured there, OSU has always been a source of inspiration. We do not have the tradition of championships upon which the better-known programs of the Pacific-10 Conference have built their reputations. What we do have is a sense of self and determination.

Titles have come rarely to our school. Prior to 2006 only once had a Beaver team claimed a crown, nearly 50 years having passed since then. And in that time we have had our successes, our share of All-Americans or individual champions in the Olympic sports. But such achievements all too often pass unnoticed. It is the team sports that register in our national consciousness. For us, that has been very elusive.

Our inspiration has not always come from championships. Our inspiration has come from the character and determination of our student athletes. It is in their perseverance that we have found the meaning of sport. Corvallis is a small town, shadowed by clouds and rain, set in the beautiful Willamette Valley. It is here these student athletes have quietly studied and trained, here they have known the same trials and tribulations as those who have come from programs lauded on the national stage, and it is here that generations have formed a community.

I cannot bring this resolution to the floor without first mentioning the community which the 2006 and 2007 NCAA Division I baseball champions call home. These championships were won by a single team, but these team championships were not won for themselves. These championships are for the community. They are for all the student athletes of Oregon State. They are for the University, for Corvallis. They are for Oregon. Indeed, they are for Beaver Nation and the tradition it supports.

On behalf of the whole of Beaver Nation, on behalf of all the student athletes at Oregon State, I congratulate and thank the 2006 and 2007 Beaver baseball team for being an inspiration to all of us.

Before Coach Pat Casey took the helm of Beaver baseball, there were questions about the ability of Corvallis to draw top baseball talent away from schools of the Sun Belt. There were questions, but these questions did not come from those that knew Oregon State and Corvallis. Under Coach Casey's tutelage, the Beavers have become the latest team to take their turn at the vanguard of the PAC–10 Conference, ''The Conference of Champions.'' The Beavers are the third PAC–10 team to win consecutive national titles in baseball. To be sure, the Beavers have entered into an elite company as one of only five teams in the history of Division I baseball to win consecutive national titles.

The Beavers took their journey, as we knew they would, by virtue of the perseverance and the character that is so indicative of Oregon State. In 2005, the team entered the College World Series only to lose their first two games in the double-elimination tournament. In 2006, the team entered the College World Series to lose their first game and faced elimination in every game before starting anew in the championship series, where they won their first title, two games to one.

After losing seven of nine position players and the strength of their 2006 pitching staff, the Beavers had a strong preseason in 2007 but slumped in the intra-conference competition of the PAC–10. One of the last teams to be selected for the field of 64 by the committee, the defending national champions were unseeded and undaunted. The Beavers played their way through the regional tournament and the super regional tournament to earn a berth in the College World Series for a third consecutive year.

Returning to Omaha, this team had first known loss. This team had faced elimination before victory. This team was almost not selected for the tournament. This team won five straight games against the Nation's best, won their second straight title, and now enters the annals of the one of the great teams in college baseball history.

My colleagues, the Oregon State Beaver baseball team has written a storybook tale, inspiring all of us. I thank them for this, and I ask that you join with me in congratulating the 2007 Oregon State Beaver baseball team, your NCAA Division I collegiate baseball champions.

I ask my colleagues for their support.

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 515.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING UNIVERSITY OF CALIFORNIA, IRVINE, FOR WINNING THE 2007 MEN'S VOLLEYBALL NATIONAL CHAMPIONSHIP

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 511) congratulating the men's volleyball team of the University of California, Irvine, for winning the 2007 NCAA Division I Men's Volleyball National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 511

Whereas the men's volleyball team of the University of California, Irvine (UC Irvine), known as the Anteaters, achieved many historic accomplishments during the 2006–2007 season;

Whereas the UC Irvine men's volleyball team won the school's first ever National Collegiate Athletic Association (NCAA) Division I Men's Volleyball National Championship;

Whereas Matt Webber, a senior on the UC Irvine men's volleyball team, was selected as the tournament's most valuable player with 22 kills in the championship match;

Whereas UC Irvine men's volleyball players Brian Thornton, Jayson Jablonsky, and David Smith were named to the All-Tournament Team;

Whereas UC Irvine men's volleyball coach John Speraw is only the third coach in history to win a NCAA volleyball championship as both a player and as a head coach;

Whereas the UC Irvine men's volleyball team finished with 29 victories, the most victories in school history;

Whereas the UC Irvine men's volleyball team finished with the most wins in the Nation for the 2006–2007 season;

Whereas the UC Irvine men's volleyball team won the 2007 Mountain Pacific Sports Federation Men's Volleyball title;

Whereas the UC Irvine men's volleyball team had four players selected to the American Volleyball Coaches Association (AVCA) All-America Team, the most by any team in the Nation;

Whereas middle blocker David Smith earned first-team accolades on the AVCA All-America Team;

Whereas Matt Webber, Jayson Jablonsky, and Brian Thornton earned second-team accolades on the AVCA All-America Team;

Whereas the UC Irvine men's volleyball team started the season as the preseason favorite in the CSTV/AVCA Division I Men's Coaches Top 15 Poll;

Whereas the UC Irvine men's volleyball team finished first in the CSTV/AVCA Division I Men's Coaches Top 15 Poll, released May 7, 2007;

Whereas the UC Irvine men's volleyball team accomplished these feats while playing a difficult schedule in the Mountain Pacific Sports Federation;

Whereas the title is UC Irvine's first Division I title since 1989; and

Whereas UC Irvine, under the leadership of Chancellor Michael V. Drake, M.D., has continued to establish itself as a world-class research university, and as one of the top universities in the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the men's volleyball team of the University of California, Irvine, and its Chancellor, Michael V. Drake, M.D., for winning the 2007 NCAA Division I Men's Volleyball National Championship; and

(2) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of California, Irvine, win the national title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent for all Members to have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the University of California, Irvine, for winning the NCAA Division I Men's Volleyball National Championship.

On May 5, 2007, the University of California, Irvine, won the 2007 NCAA Division I National Championship by defeating Indiana-Purdue University, Fort Wayne, known as IPFW in Columbus, Ohio. I want to congratulate the student athletes and coaches on an excellent season. We all take great pride in these athletes.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, at this time I yield such time as he may consume to the bill's sponsor, Mr. CAMPBELL of California.

Mr. CAMPBELL of California. Mr. Speaker, I thank the gentleman from Delaware for yielding.

I rise today to congratulate the University of California, Irvine, men's volleyball team for winning the 2007 NCAA Division I Men's Volleyball National Championship, as was mentioned, on May 5, 2007. I am very proud of the Anteater volleyball team, who won the school's first men's volleyball national championship after finishing this 2006/2007 season with the most wins in the Nation.

I would like to especially honor the leadership of Coach John Speraw and the talent and effort of each athlete who performed all season long to win this championship.

I am proud today to celebrate the accomplishments of this team that represents a tradition of excellence at the University of California, Irvine. But, you know, it is not a very long tradition of excellence, because the University of California, Irvine, was only established in 1965. But already in just over 40 years, the school has grown accustomed to receiving accolades in both academics and in sports as well. So I would like to also extend my congratulations to Chancellor Michael Drake, who is continuing this, albeit short, but continuing tradition at UCI of excellence in both sports and in academic fields, particularly in the fields of science and technology.

So I urge my colleagues to join me in recognizing this achievement and supporting H. Res. 511.

□ 1600

Mr. CASTLE. Mr. Speaker, I also would like to congratulate the University of California-Irvine for its tremendous victory and dominance in the Division I Men's Volleyball National Championship. And I congratulate the gentleman from California for his sponsorship honoring this team, which did such an extraordinary job.

Mr. Speaker, I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 511.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM AUTHORIZATION ACT OF 2007

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2707) to reauthorize the Underground Railroad Educational and Cultural Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2707

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

SECTION 1. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Education, in consultation and cooperation with the Secretary of the Interior, is authorized to make grants to one or more nonprofit educational organizations that are established to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad.

(b) GRANT AGREEMENT.—Each nonprofit educational organization awarded a grant under this section shall enter into an agreement with the Secretary of Education. Each such agreement shall require the organization—

(1) to establish a facility to house, display, and interpret the artifacts related to the history of the Underground Railroad, and to make the interpretive efforts available to institutions of higher education that award a baccalaureate or graduate degree;

(2) to demonstrate substantial private support for the facility through the implementation of a public-private partnership between a State or local public entity and a private entity for the support of the facility, which private entity shall provide matching funds for the support of the facility in an amount equal to 4 times the amount of the contribution of the State or local public entity, except that not more than 20 percent of the matching funds may be provided by the Federal Government;

(3) to create an endowment to fund any and all shortfalls in the costs of the on-going operations of the facility;

(4) to establish a network of satellite centers throughout the United States to help disseminate information regarding the Underground Railroad throughout the United States, if such satellite centers raise 80 percent of the funds required to establish the satellite centers from non-Federal public and private sources;

(5) to establish the capability to electronically link the facility with other local and regional facilities that have collections and programs which interpret the history of the Underground Railroad; and

(6) to submit, for each fiscal year for which the organization receives funding under this section, a report to the Secretary of Education that contains—

(A) a description of the programs and activities supported by the funding;

(B) the audited financial statement of the organization for the preceding fiscal year;

(C) a plan for the programs and activities to be supported by the funding as the Secretary may require; and

(D) an evaluation of the programs and activities supported by the funding as the Secretary may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 2008 through 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this important legislation that will reauthorize a competitive grant program administered by the Department of Education to research, display, interpret and collect artifacts relating to the history of the Underground Railroad.

During one of the darkest eras of American history, a group of courageous Americans, both black and white as well as free and enslaved, bound together to form what would be known as the Underground Railroad. For example, the Father of our Nation, George Washington, complained in 1786 about how one of his runaway slaves was helped by a society of Quakers formed for such purposes.

The Underground Railroad was a decentralized network of people who helped fugitive slaves escape to the North. The railroad consisted of many individuals who knew only of the local efforts to aid fugitives, and none of the overall operation. Amazingly, the railroad effectively moved hundreds of slaves northward each year. According to one estimate, the South lost 100,000 slaves between 1810 and 1850.

This racially integrated movement to bring about social change has familiar heroes, such as Harriet Tubman, John Rankin and Susan B. Anthony; but there are thousands more who risked their lives to help others escape the clutches of slavery as they fled to the North.

For the slave, escaping to the North was anything but easy. The first step was to escape from the slaveholder. For many slaves, this meant taking great risks while relying on his or her own resources. The fugitives would move at night and travel between 10 and 20 miles to the next station, where they would rest and eat, hiding in barns and other out-of-the-way places. The journey was difficult, but the determination to gain freedom was immense.

The Underground Railroad Educational and Cultural Program Act of 2007 would provide competitive grants to nonprofit organizations around the United States to shed light on one of the most important and courageous social movements in our history, while preserving and interpreting artifacts found from this critical era.

Moreover, this important legislation would ensure a strong public/private partnership exists to supplement and leverage Federal resources along with funds collected at the State and local levels. Since 1999, over $15 million has been appropriated to seven different institutions. For example, in my home State of Ohio, the National Underground Railroad Freedom Center has delivered highly interactive learning experiences for over 130,000 school children from around the country. This is an important effort to educate citizens across the country and around the world about the Underground Railroad movement in America.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2707.

I would like to thank my colleague, Mr. KUCINICH, for introducing this bill to ensure that those organizations that work so hard to share the history of the Underground Railroad are able to continue their good works.

The Underground Railroad Educational and Cultural Program was created in the 1998 reauthorization of the Higher Education Act to provide grants to nonprofit organizations that provide education about and research into the Underground Railroad. In addition, grants could be used for organizations to collect, display or interpret artifacts relating to the history of the Underground Railroad. For example, the National Underground Railroad Freedom Center, located in Cincinnati, Ohio, houses eight permanent exhibits and hosts any number of temporary exhibits, including displays, musical programs, and group discussion.

Other grantees under this program host tours that try and recreate the journey taken by anyone brave enough to utilize the Underground Railroad and exhibits the detail of the development of the Underground Railroad.

I supported the reauthorization of this program when Republicans brought a complete reauthorization of the Higher Education Act to the House floor last Congress. I had hoped to support this program again in the context of a complete reauthorization of the Higher Education Act again this year. Even though this program is receiving the attention of the Congress now, I hope we can complete the HEA reauthorization bill when we return from the August recess.

I believe strongly in promoting programs and partnerships to commemorate this time in history and educating the public about the historical significance of the Underground Railroad. The Underground Railroad was very active in the State of Delaware, I might also add. We have many of our own tributes to that in my small State.

I urge my colleagues to support this bill.

Mrs. SCHMIDT. Madam Speaker, I rise today in strong support of H.R 2707, the Underground Railroad Education and Culture Act of 2007. I thank my colleague from Ohio, Mr. KUCINICH as well as Education and Labor Chairman GEORGE MILLER for bringing this important bill to the floor today.

Madam Speaker, this important bill will provide federal support to programs around the country that educate Americans about the courageous actions undertaken by ordinary people during one of the darkest eras in our history. During times of slavery, these courageous Americans, both Black and White as well as free and under slavery, bound together to form what would be known as the Underground Railroad. This racially integrated movement to bring about social change has familiar heroes such as Harriet Tubman, John Rankin and Susan B. Anthony, but there are thousands more who risked their lives to help others escape the clutches of slavery as they fled to the North.

The National Underground Railroad Freedom Center, located in my Congressional District in Cincinnati, Ohio has successfully competed for grants under this program to connect the lessons of the past to the struggles for freedom in the current day through an informative educational curricula.

Should the Congress authorize and appropriate funds for this important grant program, educational centers such as the Freedom Center in my District as well as other sites around the country would be eligible to apply for competitive grants to shed light on one of the most important and courageous social movements in our history while preserving and interpreting artifacts found from this critical era.

Moreover, this important legislation would ensure a strong public-private partnership exists to supplement and leverage federal resources along with funds collected at the state and local level.

Madam Speaker, I want to again thank my colleague from Ohio, Mr. KUCINICH for his leadership in bringing this important bill to the floor. I ask my colleagues to support H.R. 2707.

Mr. RANGEL. Mr. Speaker. I rise today in support of H.R. 2707, Mr. KUCINICH's resolution to reauthorize the Underground Railroad Educational and Cultural Program. I praise the initiative contained in this resolution to point out the historical, cultural, and educational legacy behind the Underground Railroad. It is through that network of tunnels and secret hiding places that many African Americans escaped slavery. As a symbol of freedom, the Underground Railroad deserves greater recognition and appreciation, regrettably of its artifacts and secrets remain hidden and lost.

I have long believed in and fought for more and better education of African American history. Well, an important part of that history is contained in the struggle for freedom that characterized the slave experience. Some would have us believe that slaves passively accepted their captivity in the plantations in the South. The truth is there was an active resistance to slavery; which included periodic uprisings and constant efforts to escape. The full role and extent of the Underground Railroad has yet to be discovered and remains unknown. The legislation authorizes the Secretary of Education to sponsor studies and make grants for programs that promote knowledge of the Underground Railroad.

With the resources and technology available today, we owe it to the history of African Americans and the history of the United States to study, preserve, and make available to all the hidden secrets of the Underground Railroad. Secret routes and safe houses still remain unknown. Secrets that may remain buried in our backyards.

The establishment of this facility would allow significant missing pieces in African American history to be properly studied and commemorated.

Through the passage of this legislation, the work of the National Park Service and its study of the phenomenon known as the Underground Railroad will be continued. Established by Congress in 1990, the National Park Service has made major progress in learning more about the secret routes and the processes used in escorting these fugitive slaves to freedom. The story is far from well enough known, and the study far from complete. Let us as members of the 110th Congress exhibit the same respect and appreciation of the Underground Railroad as was shown in 1990.

Please join me in support of H.R. 2707, as we move further in understanding the whole story and celebrating the legacy of the Underground Railroad.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and pass the bill, H.R. 2707, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BELATED THANK YOU TO THE MERCHANT MARINERS OF WORLD WAR II ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 23) to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 23

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Belated Thank You to the Merchant Mariners of World War II Act of 2007''.

SEC. 2. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) ESTABLISHMENT OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 532. Merchant Mariner Equity Compensation Fund

''(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the 'Merchant Mariner Equity Compensation Fund' (in this section referred to as the 'compensation fund').

''(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

''(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

''(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

''(B) has not received benefits under the Servicemen's Readjustment Act of 1944 (Public Law 78-346); and

''(C) has engaged in qualified service.

''(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

''(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

''(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

''(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

''(iii) under contract or charter to, or property of, the Government of the United States; and

''(iv) serving the Armed Forces; and

''(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

''(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of $1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

''(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

''(A) For fiscal year 2008, $120,000,000.

''(B) For fiscal year 2009, $108,000,000.

''(C) For fiscal year 2010, $97,000,000.

''(D) For fiscal year 2011, $85,000,000.

''(E) For fiscal year 2012, $75,000,000.

''(2) Funds appropriated to carry out this section shall remain available until expended.

''(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 531 the following new item:

''532. Merchant Mariner Equity Compensation Fund.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, before I get to these specific bills, let me just say, as chairman of the House Committee on Veterans' Affairs, we are at a critical time in our Nation in dealing with our veterans. George Washington said it best over 200 years ago when he stated that ''the morale of our active duty troops depends foremost on how they sense they're going to be treated when they come home.'' So we have a lot of work to do.

We have a Secretary who has announced his resignation. Recently, just last week, the Dole-Shalala Commission released its report on some major changes for the VA and the DoD for the way we deal with our veterans and our wounded warriors. We need someone in that position, I think, who will shake things up a bit, who will not only do the Dole-Shalala recommendations, but go further and really talk to two bureaucracies that have to do business far better than what they do. Too often, VA means for our veterans ''veterans adversary'' instead of ''veterans advocate.''

We have older veterans, like we're going to be dealing with in the bill up now, and we are going to have hundreds of thousands of new veterans from Iraq and Afghanistan. It's a critical job that we must do. And I always say, no matter where we are in the war in Iraq, we're going to make sure that every young man and woman who comes back from the war gets all the love, the care, the attention, the honor, the dignity that a Nation can bestow.

So we have a big job to do. And this package of bills we have today addressed both older veterans that we still have to care for and make sure any injustices that came up in their treatment are taken care of, as well as the needs that are so critical, whether they be brain injury or PTSD of the new veterans. We have to deal with both groups, and we have to do it right.

I want to speak now on H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act.

This is a bill that is six decades overdue, Mr. Speaker. And I think today we are on the verge of doing a historic thing, that is, providing a way to finally give the heroic merchant mariners of World War II the belated compensation that they've so richly earned and deserve.

I think this Congress not only has to treat those new veterans coming back from Iraq, but we have the responsibility to correct the wrongs of the past, and this is one of the grave injustices that deserves rectification.

There are over 250 Members of this House who have cosponsored H.R. 23. But for those who haven't, let me tell you about the sad history of these forgotten heroes. The Merchant Mariners of World War II traversed the dangerous U-boat laden waters of the Atlantic and Pacific Oceans, faced down fierce attacks from enemy aircraft, and were instrumental in every theater of war by carrying 95 percent of all tanks, supplies and troops during World War II. As a result, they suffered the highest casualty rate of any of the military branches.

It is indisputable that the allied forces would not have been able to begin, sustain or end World War II in victory without their valiant and selfless service. It is also indisputable, Mr. Speaker, that these men now are entitled to be compensated for their service.

After the war, they did not receive the recognition as veterans, or the benefits of the unprecedented GI Bill of

1944, which, in many people's minds, they had earned. We all know the profound effects of that GI Bill on building the middle class. We all know that the education and ability to buy homes led to the creation of the success of the generations following World War II.

At the signing of that bill in 1944, the GI Bill, which gave these veterans unprecedented education, housing, small business loans and health benefits, President Roosevelt himself declared, ''I trust Congress will soon provide similar opportunities to members of the merchant marine, who have risked their lives time and time again during war for the welfare of their country.'' Succeeding Congresses up until now have never done that.

Their fight for equity continued for all the time since then, and even for the time after they finally attained veteran status after a lengthy court battle that was decided in 1987, which by then, 40 years after the war, over 125,000 merchant mariners had died.

We've had the distinct privilege at the Veterans' Affairs Committee of receiving the heart-wrenching testimony of some of these veterans, one of whom was a named party in the lawsuit which finally gave him veteran status, a merchant mariner named Stanley Willner. Stanley was captured, interned, beaten, starved and tortured as a POW for 3 years. In fact, he was actually one of the unfortunate groups of allied forces that were forced to build the infamous bridge over the River Kwai. Upon release, he weighed a mere 74 pounds. When he returned home, his wife didn't recognize him, but neither did his country. He received just 2 weeks of medical care and little else for his service to this Nation. What a miscarriage of justice.

Mr. Speaker, it was only due to a sad confluence of powerful events after the war that this country did not bestow the brave men of the World War II Merchant Marine with veteran status. Their service was recognized by all the leaders of the Allied Forces from Generals MacArthur to Eisenhower.

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I will include a list of quotes regarding their courageous service in the RECORD. I will also add a letter from the four maritime unions, the American Maritime Officers, the International Organization of Masters, Mates and Pilots, the Marine Engineers' Beneficial Association, and the Seafarers International Union, expressing their strong support for H.R. 23, as amended.

Mr. Speaker, the time has come to right this enduring wrong. To me, failing to correct the injustice suffered by the merchant mariners for the past six decades is equivalent to an employer telling a group of 20-year-olds at the same company doing the same job that 85 percent of them will receive additional health, education, housing, and loan assistance benefits for the rest of their lives for their service, but the remaining 15 percent would not. Then, over 40 years later, the employer is forced to recognize the mistake and informs the 15 percent, sorry, we will give you what has not expired, but nothing else.

Where is the fairness? Where is the equity? How do you measure the loss of these benefits, the missed opportunities and the dreams unrealized? That is what H.R. 23 tries to make up for, to create the semblance of equity that the mariners of World War II so richly deserve by providing a monthly stipend to qualifying mariners on a first-come-first-served basis.

JULY 27, 2007.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing on behalf of the undersigned American maritime labor organizations to express our strong support for H.R. 23, the ''Belated Thank You to the Merchant Mariners of World War II Act of 2007'' as amended. The organizations we represent have the privilege of including among our retired and active seagoing members individuals who served our country with honor and distinction during World War II. These World War II merchant mariners are truly representative of the ''Greatest Generation'', and we are extremely proud of them and the example they have set for all merchant mariners who continue to respond to our Nation's call whenever and wherever they are needed.

General Colin Powell, following the Persian Gulf War, said that: ''Since I became Chairman of the Joint Chiefs of Staff, I have come to appreciate first-hand why our Merchant Marine has long been called our Nation's fourth arm of defense. The American seafarer provides an essential service to the well-being of our Nation as was demonstrated so clearly during Operation Desert Shield and Desert Storm . . .''

We agree wholeheartedly with you that the enactment of H.R. 23 is necessary ''to correct an injustice that has been inflicted upon a group of World War II veterans, the World War II United States merchant mariners.'' We sincerely thank you, Mr. Chairman, for your initiative in working to address this injustice by sponsoring legislation to provide long-overdue recognition and benefits to World War II merchant mariners. We are also grateful to your colleagues who have cosponsored H.R. 23 and for their decision to add their names to the bipartisan supporters who are committed to working with you and with us for the enactment of H.R. 23 this year.

There is not, nor should there be, any debate as to the invaluable service given by American merchant mariners during World War II. In fact, World War II merchant mariners suffered the highest casualty rate of any of the branches of the Armed Forces, other than the United States Marine Corps, as they delivered troops, tanks, food, fuel and other needed equipment and material to every theater of World War II. Enemy forces sank more than 800 merchant vessels between 1941 and 1944 alone.

As General of the Army, Allied Expeditionary Forces in Europe, Dwight David Eisenhower stated, ''When final victory is ours there is no organization that will share its credit more deservedly than the Merchant Marine.'' Fleet Admiral Chester W. Nimitz, Commander-in-Chief, Pacific Theater, said that ''The Merchant Marine . . . has repeatedly proved its right to be considered as an integral part of our fighting team.''

General of the Army Douglas MacArthur, speaking of the merchant seamen who supported the liberation of the Philippines, stated that ''With us they have shared the heaviest enemy fire. On these Islands I have ordered them off their ships and into foxholes when their ships became untenable targets of attack. At our side they have suffered in bloodshed and death . . . They have contributed tremendously to our success. I hold no branch in higher esteem than the Merchant Marine Service.''

Finally, President Franklin Roosevelt eloquently and accurately summed up the contributions of America's World War II merchant mariners, telling the country and the world that they ''have written one of its most brilliant chapters. They have delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult and most dangerous job ever taken.''

Yet despite this record of exemplary, indispensable service to America's war efforts, merchant mariners were not given the formal recognition and benefits granted other services by the Congress through the G.I. Bill of Rights in 1945. In fact, no legislation to recognize the contributions made by World War II merchant mariners was enacted until Congress extended limited veterans' status to these gallant American citizens in 1988.

We believe, as you have stated Mr. Chairman, that it is time to correct this injustice. We believe our country has an obligation to the remaining World War II merchant mariners to fully acknowledge their service and to give them the measure of benefit called for in H.R. 23. We ask you and your colleagues to take the first step in righting this wrong by voting to pass H.R. 23 during its consideration by the House of Representatives.

We again thank you and the Members of your Committee for the support you have shown for the World War II merchant mariners. We stand ready to provide whatever additional information you may need.

Sincerely,

THOMAS BETHEL,
President, American Maritime Officers.

TIMOTHY A. BROWN,
President, International Organization of Masters, Mates & Pilots.

RON DAVIS,
President, Marine Engineers' Beneficial Association.

MICHAEL SACCO,
President, Seafarers International Union.

MARITIME TRADES DEPARTMENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 27, 2007.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Maritime Trades Department, AFL-CIO and its 23 affiliated unions express our strong support for H.R. 23, ''The Belated Thank You to the Merchant Mariners of World War II Act of 2007.'' We also offer our own ''Thank You'' for your tireless efforts to correct a decades-long injustice, which have incurred the respect and admiration of maritime workers from one end of this country to the other.

Except for an incomplete recognition in 1988, when the Department of Defense agreed to award service medals to civilian mariners who served in World War II and allow them the privilege of being buried with veterans' honors, the contribution of an entire generation of World War II veterans—maritime's

own version of ''the Greatest Generation''—has been slighted. U.S. civilian mariners who served in World War II suffered one of the highest casualty rates of any of the branches of the Armed Forces. As Winston Churchill and other great leaders of the time noted during and after the war, the role that these brave mariners played in keeping Great Britain and Russia supplied during the darkest days of World War II had a profound effect on the outcome of the war.

Churchill, of course, called them ''unsung heroes in dungarees.'' Dwight Eisenhower noted that, ''When final victory is ours, there is no organization that will share in its credit more deservedly than the merchant marine.'' Franklin Delano Roosevelt said that when the history of the war is recorded, the men and women of the U.S.-flag merchant marine will ''have written one of its most brilliant chapters.''

While the Murmansk run and the deadly cross-Atlantic transports were the best-known contributions of U.S. civilian mariners, they certainly were not the only ones. The U.S.-flag merchant marine played a central role in every theater of operations, including the Pacific, where Douglas MacArthur noted, ''With us, they have shared the heaviest enemy fire.'' Given this record, it was inconceivable that civilian mariners were denied any formal recognition for their important contributions to the war effort. You have called it an historical injustice of the highest order. and you are right.

By providing eligible civilian mariners with appropriate benefits, this legislation sends a clear message that the United States government will always honor the contributions of loyal, patriotic Americans. Coming at a time when this country is embroiled in several conflicts abroad, it is an important message that needs to he delivered. The House of Representatives should pass this bill.

The men and women of the U.S.-flag merchant marine are unwavering in their support of our country and its troops in harm's way. The fact that you and your colleagues understand that and have been persistent in trying to correct a long-standing oversight also sends another message that needs to be heard. By providing this Nation with a reliable source of sealift and a skilled manpower pool of civilian mariners, the U.S.-flag merchant marine will continue to play an important role in the defense of this Nation.

Sincerely,

MICHAEL SACCO,
President.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate Mr. FILNER for his leadership in bringing this bill forward and that of the staff on both sides. The legislation before us, H.R. 23, as amended, would provide $1,000 monthly payment to World War II mariners.

The merchant mariners braved great danger and suffered great loss in their service for the allies. This service has been recognized. Since 1988, these wartime merchant mariners have full VA benefits, including health care. This bill goes further than that. It recognizes that these veterans did not have access to the GI Bill when they were young. In providing a monthly payment, H.R. 23 attempts to compensate for the loss of the potential offered by the GI Bill's educational benefits which were used by about half of the 16 million veterans of the Second World War.

Thirty other groups also provided military service to the U.S. in World War II and have received veteran status in the same manner as the merchant mariners.

We are a little bit concerned that we were not able in this bill to also help these deserving veterans. These groups include the Women's Air Force Service Pilots, the Women's Army Auxiliary Corps and the famed Flying Tigers. They served loyally, selflessly and courageously. Their service also contributed directly to victory in 1945, and yet we haven't been able to accommodate them in this bill. In fairness, their duty must be taken into account. I hope that we can act in the near future and take care of them.

I am also concerned that apparently because of the rules of the House, and I voted for PAYGO, that we couldn't find the offsets to fund this benefit. So the issue of funding is being passed to the appropriators. It is unclear where we are going to be able to find the approximately $485 million over the next 5 years to fund the bill.

As a believer in the GI Bill, I certainly cannot dispute the fact that the lack of advantage conferred by GI Bill education benefits disadvantaged merchant mariners and their families in the years following their service.

Mr. Speaker, our merchant mariners provided intrepid and faithful service. Sixty years ago, they paid the heavy price for the freedoms we enjoy today. For that, they certainly deserve our appreciation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, we have a new Member from New Hampshire that I will call the ''not-so-gentle-lady'' because she has been incredibly active and taken a leadership role in passage of this bill.

Mr. Speaker, I yield such time as she might consume to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I rise today in strong support of H.R. 23. I thank the chairman for his leadership.

Mr. Speaker, I was surprised and saddened to learn from a constituent that in spite of the service of the merchant mariners in World War II, none of them received the same benefits that other soldiers received: no access to the GI Bill, no health benefits, nothing.

As you consider this bill that will finally show our gratitude to the merchant marines of World War II, I would like to recall the words of General Dwight Eisenhower, who understood what their service had given the United States. In 1944 he had this to say: ''Every marine in this Allied Command is quick to express his admiration for the loyalty, courage and fortitude of the officers and men of the merchant marine. We count upon their efficiency and their utter devotion to duty as we do our own; they have never failed us yet and in all the struggles yet to come we know that they will never be deterred by any danger, hardship or privation. When final victory is ours, there is no organization that will share its credit more deservedly than the merchant marine.''

After the war he noted: ''Their contribution to final victory will be long remembered.''

It is way past time to remember their devotion to the United States. It is way past time to reward them what they earned. Time is slipping.

Mr. Speaker, I urge my colleagues to support this bill, H.R. 23.

Mr. BOOZMAN. Mr. Speaker, I urge my fellow Members of the House to support this bill. Certainly I will.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his endorsement, support, and leadership on our committee. He has raised some very good questions that I hope our committee will deal with.

Mr. Speaker, without a doubt, these men, now all of them are in their eighties, the average age is 83, in fact, of the remaining 10,000 that are alive, have earned and deserve this delayed compensation. They fought the good fight. They gave our country everything they could.

This is what H.R. 23 will do, provide the merchant mariners with the compensation they earned and have been denied for decades, not just in words, but in deeds.

Mr. Speaker, I ask all the Members of this House for the support of this historic piece of legislation.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2007, which is a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States Merchant Marine, including the Army Transport Service and the Naval Transport Service during World War II.

United States Merchant Mariners served as a crucial component of America's seapower force during World War II. Merchant Mariners were responsible for transporting armies and equipment behind enemy lines. Merchant Mariners helped transport not only troops, but also delivered ammunition, provisions, tanks, airplanes, fuel, and other wartime materiel into theater. Their significant contributions were critical in providing logistical support to the United States Armed Forces and that support helped our Armed Forces and allies achieve victory in the war in both the Pacific and European theaters.

Over 243,000 Merchant Mariners served during the Second World War. These brave individuals endured the elements and constant threats from enemy submarines, mines, armed raiders, destroyers, and aircrafts. An estimated 9,300 Merchant Mariners lost their lives during the Second World War. The Merchant Mariner casualty rate was the highest percentage of war-related deaths when compared to each of the military services.

Unlike other military servicemembers, Merchant Mariners were not offered similar opportunities to participate in the G.I. Bill of 1945. H.R. 23 will provide long-awaited parity for these selfless individuals. It is unfortunate that after 60 years these Merchant Mariners have not been provided access to a benefit they deserve. In the spirit of fairness and equity, and in keeping with this Congress's recent and previous actions of providing long-awaited and most deserving recognition to forgotten groups of Americans who served and sacrificed during World War II, I urge passage of H.R. 23.

Today, the United States Merchant Marine continues its tradition of providing an essential component to our national security as the "fourth arm of defense." Our merchant ships bear the brunt of delivering military supplies overseas to our forces and allies. The stark lessons of 20th century conflict prove that a strong Merchant Marine is an essential part of American seapower.

It is time that we thank these brave men and women whose efforts contributed greatly to the success of the United States during the Second World War. I urge my colleagues to join me in supporting H.R. 23, which is sponsored by our colleague from California, Mr. FILNER, the chairman of the House Committee on Veterans Affairs.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 23, I am pleased to support this legislation on the House floor today.

The duty performed by the U.S. Merchant Marines during World War II was courageous and vital to our national interest. H.R. 23 would direct the Department of Veterans Affairs to pay a monthly benefit of $l,000 to U.S. Merchant Marine veterans who served in the Army and Navy Transport Services between December 7, 1941, and December 31, 1946, or to their survivors.

During World War II, the Army and Navy Transport Services delivered troops and supplies to the front lines. These men often put their lives in danger to keep supplies flowing, but Merchant Marine veterans were not granted benefits under the G.I. Bill of Rights that Congress enacted in 1945.

All those who served in the Army, Navy, Marine Corps, Air Force or Coast Guard were recipients of benefits under the G.I. Bill. The United States Merchant Marine regretfully was not included.

Mr. Speaker, I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 23, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A Bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.".

A motion to reconsider was laid on the table.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1315) to amend title 38, United States Code, to provide specially adaptive housing assistance to certain disabled members of the Armed Forces residing temporarily in housing owned by a family member, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1315

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Benefits Improvement Act of 2007".

SEC. 2. PROVISION OF SPECIALLY ADAPTIVE HOUSING ASSISTANCE TO DISABLED MEMBERS OF THE ARMED FORCES RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A of title 38, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.—The Secretary may provide assistance under subsection (a) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subsection (a)(2) or (b)(2) of section 2101 of this title if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under subsection (a) to veterans eligible for assistance under that subsection and subject to the limitation under subsection (c).".

SEC. 3. VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATION ASSISTANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 76 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VIII—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS SCHOLARSHIP PROGRAM

"§ 7691. Authority for program

"As part of the Educational Assistance Program and subject to the availability of appropriations for such purpose, the Secretary shall carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Visual Impairment and Orientation and Mobility Professionals Scholarship Program (hereinafter in this subchapter referred to as the 'Program'). The purpose of the Program is to increase the supply of qualified blind rehabilitation specialists for the Department and the Nation.

"§ 7692. Eligibility; agreement

"(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual must be accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-time or part-time student in a field of education or training described in subsection (b).

"(b) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A field of education or training described in this subsection is education or training leading to—

"(1) a degree or certificate in visual impairment or orientation and mobility, or a dual degree or certification in both such areas; and

"(2) appointment or retention in a position under section 7401 of this title.

"(c) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

"(A) The Secretary's agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (b) that meets the requirements set forth in section 7602(a) of this title.

"(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of three years (hereinafter in this subchapter referred to as the 'period of obligated service') during the six-year period beginning on the date the participant completes the education or training and receives a degree or certificate described in subsection (b)(1).

"(C) The participant's agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

"(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

"(3) In the case of a participant who is a part-time student, the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year.

"§ 7693. Scholarship

"(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition (or such portion of the tuition as may be provided under subsection (b)) of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

"(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

"(1) in the case of a participant in the Program who is a full-time student, may not exceed $15,000 for the equivalent of one year of full-time coursework; and

"(2) in the case of a participant in the Program who is a part-time student, shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the course of education or training being pursued by the participant as the coursework carried by the participant to full-time coursework in that course of education or training.

"(c) LIMITATIONS ON PERIOD OF PAYMENT.—(1) The maximum number of school years for which a scholarship may be paid under subsection (a) to a participant in the Program shall be six school years.

"(2) A participant in the Program may not receive a scholarship under subsection (a) for more than the equivalent of three years of full-time coursework.

"(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

''(e) FULL-TIME COURSEWORK.—For purposes of this section, full-time coursework shall consist of the following:

''(1) In the case of undergraduate coursework, 30 semester hours per undergraduate school year.

''(2) In the case of graduate coursework, 18 semester hours per graduate school year.

''§ 7694. Obligated service

''(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7604 of this title. Such service shall be provided in the full-time clinical practice of such participant's profession or in another health-care position in an assignment or location determined by the Secretary.

''(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.

''(2) As soon as possible after a participant's service commencement date, the Secretary shall—

''(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

''(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.

''(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

''(B) In the case of a participant receiving a degree from a school of nursing, the participant's service commencement date is the later of—

''(i) the participant's course completion date; or

''(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

''(C) In the case of a participant not covered by subparagraph (A) or (B), the participant's service commencement date is the later of—

''(i) the participant's course completion date; or

''(ii) the date the participant meets any applicable licensure or certification requirements.

''(4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3). (c)

''(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant's period of obligated service—

''(A) on the date, after the participant's course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

''(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant's course of training prepared the participant.

''(2) A participant in the Program who on the participant's course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant's course of training prepared the participant shall be considered to have begun serving the participant's period of obligated service on such course completion date.

''(d) COURSE COMPLETION DATE DEFINED.—In this section, the term 'course completion date' means the date on which a participant in the Program completes the participant's course of education or training under the Program.

''§ 7695. Repayment for failure to satisfy requirements of agreement

''(a) IN GENERAL.—An individual who receives educational assistance under this subchapter shall repay to the Secretary an amount equal to the unearned portion of such assistance if the individual fails to satisfy the requirements of the agreement entered into under section 7604 of this title, except in circumstances authorized by the Secretary.

''(b) AMOUNT OF REPAYMENT.—The Secretary shall establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this subchapter (or an agreement under this subchapter) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

''(d) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the Secretary under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.''.

(b) CLERICAL AMENDMENT.—The tables of sections at the beginning of such chapter is amended by inserting after the items relating to subchapter VII the following new items:

''SUBCHAPTER VIII—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS SCHOLARSHIP PROGRAM

''7691. Authority for program.
''7692. Eligibility; agreement.
''7693. Scholarship.
''7694. Obligated service.
''7695. Repayment for failure to satisfy requirements of agreement.''.

(c) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 7601(a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(6) the Visual Impairment and Orientation and Mobility Professionals Scholarship Program provided for in subchapter VIII of this chapter.'';

(2) in section 7602—

(A) in subsection (a)(1)—

(i) by striking ''or VI'' and inserting ''VI, or VIII''; and

(ii) by striking ''or for which a scholarship may be awarded under subchapter VI of this chapter'' and inserting ''for which a scholarship may be awarded under subchapter VI of this chapter, or for which a scholarship may be awarded under subchapter VIII of this chapter''; and

(B) in subsection (b), by striking ''or VI'' and inserting ''VI, or VIII'';

(3) in section 7603(a)(1), by striking ''or VI'' and inserting ''VI, or VIII''; and

(4) in section 7604, by striking ''or VI'' each place it appears and inserting ''VI, or VIII''.

(d) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement subchapter VIII of chapter 76 of title 38, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

SEC. 4. VETERANS' REEMPLOYMENT RIGHTS REPORT IMPROVEMENT.

(a) ADDITIONAL REPORT REQUIREMENTS.—Section 4332 of title 38, United States Code, is amended—

(1) by striking ''The Secretary shall'' and inserting ''(a) REPORT REQUIRED.—The Secretary shall'';

(2) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively, and inserting after paragraph (3) the following new paragraph (4):

''(4) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.''.

(3) in paragraph (5), as so redesignated, by striking ''or (3)'' and inserting ''(3), or (4)'';

(4) by redesignating paragraph (7), as so redesignated, as paragraph (8), and inserting after paragraph (6) the following new paragraph (7):

''(7) An indication of which of the cases reported on pursuant to paragraphs (1), (2), (3), and (4) are disability-related.''.

(5) by adding at the end the following new subsections:

''(b) UNIFORM CATEGORIZATION OF DATA.—The Secretary shall coordinate with the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, and the Special Counsel to ensure that the information required to be submitted as part of the report under subsection (a) is categorized in a uniform way.

''(c) PROVISION OF INFORMATION.—The Secretary shall provide the information contained in the report required under subsection (a) to the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, and the Special Counsel.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a report submitted after the date of the enactment of this Act.

SEC. 5. INCREASE IN NUMBER OF MEMBERS OF ADVISORY COMMITTEE ON VETERANS EMPLOYMENT, TRAINING, AND EMPLOYER OUTREACH.

Section 4110(c)(1) of title 38, United States Code, is amended by striking ''15'' and inserting ''16''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, on this bill, H.R. 1315, and the previous bill, H.R. 23, I would ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad that my colleagues on the committee were able to work together to craft this important piece of legislation. The Chair of our Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN, and her ranking member, Mr. BOOZMAN, provided really strong bipartisan leadership that was important in this bill. As I said when starting this package of bills, we must never forget the great debt we owe to all of them. We have to remember the courage and sacrifice demonstrated daily by those who serve our Nation.

Mr. Speaker, when our servicemembers return home, it is our solemn obligation to protect and serve them with the same commitment and dedication which they protected and served us. H.R. 1315, as amended, would contribute to just that level of commitment.

Under current law, transitioning disabled servicemembers who are temporarily living in housing owned by a family member are barred from receiving financial assistance to make necessary adaptations to their housing. This bill before us clarifies this point of law and ensures those veterans have the resources necessary to enjoy a comfortable and independent lifestyle.

This legislation creates a scholarship for students interested in earning a degree or certification in blind rehabilitation. In return for these scholarships, these students would provide 3 years of service to the U.S. Department of Veterans Affairs. The effect of this program will be a needed staff increase to meet the growing needs of our vision-impaired and blind veterans.

I must say, Ms. HERSETH SANDLIN, we ought to look at this for some other needs of the VA, whether it is nursing or psychiatry or whatever. This way of encouraging and incentivizing those who could serve our veterans is a really fine approach.

The bill will, furthermore, bring more efficiency and accountability to the veteran employment process by facilitating greater coordination among the U.S. Departments of Veterans Affairs, Defense, and Labor. It allows for a more transparent view of data concerning complaints submitted by the National Guard and Reservists regarding difficulty obtaining employment.

Ensuring that our servicemembers are afforded a seamless transition from active duty to civilian life is an issue that we in the committee are keenly aware of, and I am glad to see needed language in this bill.

Finally, this bill corrects a technical error in current law to increase the U.S. Department of Labor's Advisory Committee on Veterans Employment Training and Employer Outreach by one representative from the existing 15.

We all stand united here in this House in caring for our veterans, and I urge my colleagues to support H.R. 1315, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1315, as amended, contains several important provisions to improve the lives of servicemembers and veterans.

First, severely injured servicemembers would be able to benefit from VA's specially adapted housing program prior to discharge. I appreciate Chairwoman HERSETH SANDLIN's vigilance and leadership in this area in bringing this forward.

Second, DOD, the Department of Labor, the Attorney General, the Office of Special Counsel and VA would be required to adapt common reporting criteria regarding servicemembers' employment rights under the Uniformed Services Employment and Reemployment Rights Act, USERRA. Again, I appreciate Mr. REICHERT for his hard work in bringing this forward. I think this is an excellent provision.

Third, VA would be authorized to establish scholarship programs for pursuing degrees in rehabilitation for the visually impaired. Ms. SHEILA JACKSON-LEE also did a good job in bringing this forward. This is something that I am very, very familiar with in the sense that I am an optometrist and have had the opportunity to visit, not to visit, to deal with these types of patients many times in the past. This is something we definitely need to do.

Mr. Speaker, I thank Chairwoman HERSETH SANDLIN for her bipartisan leadership on this excellent bill, and I urge my colleagues to support H.R. 1315, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN), our Chair of the Subcommittee on Economic Opportunity, who is the energetic, articulate, aggressive and fine spokesman for veterans.

Ms. HERSETH SANDLIN. Mr. Speaker, I thank our distinguished chairman for yielding.

Mr. Speaker, I rise in strong support of H.R. 1315, the Veterans' Benefits Improvement Act of 2007. As the sponsor of H.R. 1315, I want to thank Chairman FILNER and Ranking Member BUYER, as well as my good friend subcommittee Ranking Member BOOZMAN, for their strong leadership and unwavering dedication to our veterans and for working hard to craft this bipartisan bill.

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I would also like to thank Congresswoman SHEILA JACKSON-LEE of Texas and Congressman DAVE REICHERT of Washington and Congressman TIM WALZ of Minnesota who have contributed substantially to this important legislation.

As more and more of our troops are deployed in missions around the globe, additional steps must be taken to promote and protect the health and welfare of our veterans. Their honorable, courageous and patriotic service demands no less. In light of increasing numbers of disabled veterans returning from Iraq and Afghanistan, the already urgent demand to pass legislation to meet the needs of these new veterans is rising.

Mr. Speaker, this legislation would provide specially adaptive housing assistance to disabled servicemembers who have not yet been discharged from active duty and therefore have not reached veteran status. Under current law, a temporary grant is available to disabled veterans who are or will be temporarily residing in a home owned by a family member. Our original intent in the last Congress was to allow servicemembers in transition prior to discharge to also use this benefit. However, the law, as currently written, does not qualify transitioning servicemembers for these housing grants. This legislation seeks to clarify congressional intent and provide assistance up to $14,000 to adapt the family member's home to meet the transitioning servicemember's special needs.

In addition, this legislation would direct the Secretary of the Department of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in blind rehabilitation under the Health Professional Education Assistance program. In exchange for the scholarship award, students will be required to work for 3 years in a health care facility within the Department of Veterans Affairs.

This bill would also require the Secretary of the Department of Labor and the Secretary of the Department of Defense to coordinate their sharing of and reporting on the complaint data filed by National Guard and Reservists facing difficulty in obtaining employment. It would require the use of uniform categories in tracking and reporting the data, including the difficulty of obtaining employment experienced by veterans with service-connected disabilities. These provisions will enable Congress to better identify trends in the reemployment challenges faced by our returning Guard and Reserve forces, and the corrective actions needed to ease their transition back into the civilian workforce.

Finally, H.R. 1315 would add a representative from the National Governors Association to the existing 15-member Advisory Committee on Veterans Employment, Training and Employer Outreach located under the auspices of the Department of Labor. This has been a priority for both the chairman and the ranking member of the full committee.

During the last Congress, we passed legislation which became Public Law 109–46 that was intended to add the National Governors Association representative to the Advisory Committee

on Veterans Employment, Training and Employer Outreach. However, a technical error did not increase the total authorized membership to 16, preventing the National Governors Association from being added to the Advisory Committee on Veterans Employment, Training and Employer Outreach.

In summary, this bill will provide our injured servicemembers the resources needed to live with the comfort and independence they deserve, expand education programs to more effectively address the rehabilitative needs of our veterans, bolster reemployment aid for returning veterans, and strengthen the advisory committee membership within the Department of Labor.

I commend the leadership of Chairman FILNER and certainly the great bipartisan working relationship that Mr. BOOZMAN and I have enjoyed over the last two Congresses. I urge my colleagues to vote favorably on the final passage of H.R. 1315.

Mr. BOOZMAN. Mr. Speaker, I yield the gentleman from Washington (Mr. REICHERT), one of the authors of a portion of the bill, such time as he may consume.

Mr. REICHERT. Mr. Speaker, I thank the gentleman for yielding and thank both sides of the aisle on this great piece of legislation. It truly is an honor to be here this afternoon to speak on it on behalf of our veterans across the world.

I am very pleased that part of the language that I have been working on, along with other friends here in the House of Representatives, works to make sure that our returning veterans have a job, make sure that their families are taken care of.

I was in the Air Force Reserve for 6 years. That was a long time ago. I was never called to active duty. I worked for the sheriff's office then, and even back in the early 1970s, as I served our country in the Air Force and served our community on the streets as a police officer, I never had to worry when I served my one weekend a month or my 2 weeks every year that my employer would get upset with me and say, You know what, we can't support you here as you support our country and our troops across the world serving our country; we need you here every day. In fact, it was just the opposite. The sheriff's office said, We are proud to have you as a member of the Air Force Reserve. We are proud to have you come back and serve with us and have you continue to serve in the Air Force Reserve. And when I became sheriff later on in 1997, and after 2001, still serving as the sheriff in King County, we made sure that our Guard and Reserves had a job.

And I could see it in the eyes of their spouses and their children and the rest of their family, because they felt loved, they felt cared for, they felt comfortable to know that when their loved one returned, they had a job.

Imagine for a moment that you started a family, you started a business, you have employment, you have a profession, and all of a sudden it is taken away. When you return, it is gone. Your family has no job. You have no income. You are looking at maybe selling your house, selling your car. Health insurance might not be available. All of these things are things that our veterans in the last few years had to deal with upon their return. This bill fixes that.

We are able to help them make sure that they have employment when they return from serving our country and keeping us free. I urge all of my colleagues to vote in favor of this legislation. What an honor it is to be here again today to speak on behalf of our veterans across the world.

Mr. FILNER. Mr. Speaker, I yield 5 minutes to another great and energetic advocate for veterans, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this gives me an opportunity for the first time to rise and thank Chairman FILNER for the enthusiastic and passionate and newfound leadership that he has given to the Veterans' Affairs Committee. We thank him for being a beloved member of the veterans community. All over the Nation veterans are celebrating his chairmanship, and I thank him very much for his leadership, his bipartisan leadership with the ranking member of this committee.

And let me thank Chairwoman HERSETH SANDLIN for her leadership; and Mr. BOOZMAN, thank you. This whole committee draws the affection of Members from both sides of the aisle, and both of you exhibit the kind of leadership that we and the veterans can be proud of.

I rise to support H.R. 1315 and acknowledge the many sections of the bill, which includes section 2, where the bill adopts Ms. HERSETH SANDLIN's legislation dealing with housing; and section 3, where Mr. WYNN of Maryland's legislation is adopted dealing with mortgage foreclosure; and section 5, which addresses the legislation of Mr. REICHERT, which is so very important about employing our veterans.

I am proud that the basis for the new program dealing with the blind is based upon my bill, Visual Impairment Specialist Training Act. This VISTA act responds to the increasing numbers of veterans and soldiers who are now returning from the battlefield with vision injuries. I am proud that my legislation was strongly supported by Chairman FILNER; Mr. MICHAUD, chairman of the Subcommittee on Health; and the co-chairs, as I have mentioned, of the Congressional Vision Caucus, Mr. GENE GREEN of Texas and Ms. ROS-LEHTINEN of Florida.

This legislation is also supported by the Blind Veterans of America, an organization chartered by Congress in 1958, which has been for nearly 50 years the only veterans service organization exclusively dedicated to serving America's blind and visually impaired veterans.

Let me explain what this legislation does. We establish here and now an educational assistance program for persons pursuing training in blind rehabilitation. I thank the chairman for citing this legislation as a possible model for nurses and psychologists that may be needed as we move in the future.

There are approximately 160,000 legally blind veterans in the United States, but only 35,000 are currently enrolled in the Veterans Health Administration's services. It is estimated that there are over 1 million low-vision veterans in the United States, and incidence of blindness among the total veteran population of 26 million are expected to increase by about 40 percent in the next 4 years. This is because the most prevalent causes of legal blindness and low vision are age-related, and the average age of the veteran population is increasing. The current age is about 80 years old.

In addition, we know that there will be veterans coming home, because of the IED injuries in Iraq and Afghanistan, with injuries impacting their vision.

Let me also acknowledge the specifics of this legislation. It mandates that the Secretary of Veterans Affairs shall provide financial assistance to students enrolled in a program of study leading to a degree or certificate in visual impairment and/or orientation and mobility at an accredited educational institution in the U.S., provided they agree with the applicable requirements. As I said, the purpose of this scholarship program is to increase the supply of qualified blind rehabilitation specialists for the Department of Veterans Affairs and the Nation. It requires the Secretary of Veterans Affairs to widely publicize this scholarship program to colleges and universities across the Nation, especially institutions with large numbers of Hispanic students and HBCUs, Historically Black Colleges. This is particularly helpful to the minority population who are interested in the field of vision rehabilitation.

To apply and participate in this scholarship program, an applicant shall submit to the Secretary, or his designee, an application and agree to serve a 3-year period of obligated service in the Department of Veterans Affairs. This is the crux of the legislation, so that we have a mandatory pool of those individuals helping the veterans as they move forward.

The maximum award for any full-time student per academic year may not exceed $15,000. The maximum award for any part-time student shall be determined in proportion to the amount that would be the case if the student were full time. For any student, however, the total amount of assistance may not exceed $45,000.

This is good news. It trains individuals, gives them a scholarship, and it doesn't burden the Federal Government. Why, because the debt is owed to

the United States Government and therefore it cannot be discharged because of bankruptcy.

To conclude my remarks, I ask that my colleagues look carefully at this hopefully innovative approach to helping our veterans and our returning soldiers who will be in great need from the injuries they have experienced. I thank the bipartisan leadership of this committee and ask my colleagues to support the bill.

Mr. Speaker, I proudly rise to strongly support H.R. 1315, the ''Veterans' Benefit Improvement Act of 2007.'' I enthusiastically support this legislation because it keeps faith with the men and women who have worn the uniform in service to our country. Let me express my appreciation to Mr. FILNER and Ms. HERSETH SANDLIN, the Chairman of the Veterans Affairs Committee and the Chairwoman of the Economic Opportunity Subcommittee, and to their respective ranking members, Mr. BUYER and Mr. BOOZMAN, for their perseverance in shepherding this legislation to the House floor.

Mr. Speaker, H.R. 1315 consists of five main sections. Section 2 of the bill adopts Ms. HERSETH SANDLIN's legislation providing for specially adaptive housing (SAH) assistance to disabled servicemembers residing temporarily in housing owned by a family member. Under current law, a temporary grant may be available to veterans who are or will be temporarily residing in a home owned by a family member. This assistance, allowable up to $14,000, may be used to adapt the family member's home to meet the veteran's special needs at that time.

Section 5 of the bill, which is based on a proposal by Mr. REICHERT of Washington, requires the Secretary of Labor to provide Congress an annual report on veterans' reemployment rights. Section 6 adds an additional representative from the National Governor's Association to the existing 15 member Advisory Committee on Veterans Employment, Training and Employer Outreach withIn the U.S. Department of Labor.

Each of these provisions is a useful, constructive, and welcome legislative initiative. Any of one of them would warrant an overwhelming vote in favor of the bill. But Mr. Speaker, what makes this legislation truly extraordinary is the inclusion of Section 4, which establishes a ''Visual Impairment and Orientation and Mobility Professionals Education Assistance Program.'' This legislation will close a large gap in the Nation's commitment to blind and low-vision veterans by establishing a scholarship program for students seeking training in blind rehabilitation.

I am proud and honored, Mr. Speaker, that the basis for this new program for our blind and low-vision veterans is the legislation I introduced earlier this Congress, H.R. 1240, the ''Vision Impairment Specialist Training Act,'' or VISTA Act of 2007. I am proud that my legislation was strongly supported by the chairman of the Veterans Affairs Committee, Mr. FILNER; Mr. MICHAUD, the chair of this Committee's Subcommittee on Health; the co-chairs of the Congressional Vision Caucus, my colleague Mr. GENE GREEN of Texas and Ms. ROS-LEHTINEN of Florida. This legislation is also strongly supported by the Blind Veterans of America, an organization chartered by Congress in 1958, which has been for nearly 50 years the only veterans service organization exclusively dedicated to serving America's blind and visually impaired veterans. Companion legislation, S.1672, ''The VA Vision Scholars Act of 2007,'' has already been introduced in the other body by Senators HAGEL, OBAMA, and BROWN.

Mr. Speaker, let me explain briefly why it is so important that we establish here and now an educational assistance program for persons pursuing training in blind rehabilitation.

There are approximately 160,000 legally blind veterans in the United States, but only 35,000 are currently enrolled in Veterans Health Administration services.

In addition, it is estimated that there are over 1 million low-vision veterans in the United States, and incidences of blindness among the total veteran population of 26 million are expected to increase by about 40 percent over the next few years. This is because the most prevalent causes of legal blindness and low vision are age-related, and the average age of the veteran population is increasing; the current average age is about 80 years old.

Members of the armed forces are important to our Nation and we show them our appreciation by taking care of them even after they have completed their service. But the fact is that there are not enough blind rehabilitation specialists to serve all legally blind and low-vision veterans in the United States.

Blind rehabilitation training helps give these veterans awareness of and functioning in their surroundings and enables them to retain their independence and dignity. Veterans without these services may find it difficult to be self-sufficient, relying on others to perform certain skills or even simple tasks on their behalf.

Mr. Speaker, Public Law 104–262, the Eligibility Reform Act 1996, requires the Department of Veterans Affairs to maintain its capacity to provide specialized rehabilitative services to disabled veterans, but it cannot do so when there are not enough specialists to address these needs.

Last December, the Veterans Programs Extension Act was passed, which included a provision by Congressman MICHAEL MICHAUD to increase the number of Blind Rehabilitation Outpatient Specialists serving our Nation's veterans. However, there are currently not enough counselors certified in blind rehabilitation to provide for the growing number of blind or low-vision veterans, let alone the rest of our Nation's elderly population.

Section 4 of the legislation before us helps to remedy this situation by directing the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in blind rehabilitation (Vision Impairment and/or Orientation and Mobility). The availability of these scholarship opportunities will provide an incentive to students considering entry into the field.

Additionally, in exchange for the scholarship award, students are required to work for 3 years in a healthcare facility of the Department of Veterans Affairs, to ensure that our veterans are well cared for.

If I might, let me discuss this vital legislation in more detail. The legislation mandates that the Secretary of Veterans Affairs shall provide financial assistance to students enrolled in a program of study leading to a degree or certificate in Visual Impairment and/or Orientation and Mobility at an accredited educational institution in a U.S. state or territory, provided that they agree with applicable requirements.

As I stated earlier, the purpose of the scholarship program is to increase the supply of qualified blind rehabilitation specialists for the Department of Veterans Affairs and the Nation.

The legislation requires that the Secretary of Veterans Affairs shall widely publicize this scholarship program to colleges and universities across the Nation, especially institutions with large numbers of Hispanic students and HBCUs. This is a particularly salutary provision because African Americans, Hispanics, and other minorities are underrepresented in the field of vision rehabilitation.

To apply and participate in the scholarship program, an applicant shall submit to the Secretary, or his designee, an application and agree to serve a 3-year period of obligated service in the Department of Veterans Affairs. The legislation requires that the Secretary shall include among the application and agreement materials a fair summary of the rights and liabilities of the applicant if accepted into the program.

When the Secretary approves of the applicant's acceptance, the applicant shall be promptly notified and accepted into the program.

The amount of financial assistance provided for an applicant shall be the amount determined by the Secretary as being necessary to pay the tuition and fees of the applicant. If the applicant is enrolled in a dual degree or certification program, the amount awarded shall not exceed the amounts necessary for the minimum number of credit hours to achieve such dual certification or degree.

Financial assistance provided to an applicant by this scholarship program may supplement other educational assistance, as long as the total award does not exceed the tuition and fees required for an academic year.

The maximum award for any full-time student per academic year may not exceed $15,000. The maximum award for any part-time student should be determined in proportion to the amount that would be the case if the student were full-time. For any student, the total amount of assistance may not exceed $45,000.

The maximum duration for financial assistance under this program is 6 years.

The agreement for participation in this scholarship program shall be signed by both the Secretary and the participant. The Secretary shall agree to provide the participant with the authorized financial assistance and the participant shall agree to: accept the assistance; maintain enrollment and attendance in the appropriate program of study; maintain an acceptable level of academic standing; serve as a full-time employee in the Department of Veterans Affairs for 3 years within the first 6 years after completing the program and receiving the degree or certificate specified.

If the applicant fails to satisfy the requirements of the agreement, the applicant must repay the amount equal to the unearned portion of assistance, except in circumstances authorized by the Secretary. The Secretary shall establish procedures for determining the amount of the repayment required, as well as the circumstances under which an exception to the required repayment may be granted.

The Secretary shall prescribe regulations for the waiver or suspension of an applicant's obligation for service or payment whenever the

applicant's noncompliance is due to circumstances beyond his or her control or it is in the best interest of the United States.

Mr. Speaker, I should point out that an obligation to repay the Secretary under this section is a debt owed the United States. Thus, a discharge in bankruptcy does not discharge a person from a debt under this legislation if the discharge order is entered less than 5 years after the date of the termination of the agreement or contract.

Mr. Speaker, every morning when I arrive at my office, I am reminded of how fortunate I am to live in a Nation as great as the United States. Outside of my office there is a posterboard with the names and faces of those heroes from Houston, Texas, who have lost their lives wearing the uniform of our country. We live in a Nation where so many brave young men and women volunteer to the ultimate sacrifice so that their countrymen can enjoy the blessings of liberty. Now is the time to let our heroes know they have not been, and will never be, forgotten. They deserve honor, they deserve dignity, and they deserve the best care. After all, this is the least we can do for those who have done so much for all of us.

In closing, Mr. Speaker, let me also thank the Staff of the Veterans Affairs Committee and the Subcommittee on Economic Opportunity for their hard work. I also wish to pay special tribute to several members of my staff without whose valuable contributions this significant legislative achievement would not have been possible: Maggie Mitchell, Shelle Gordon, Mona Floyd, Yohannes Tsehai, and Gregory Berry.

Mr. Speaker, nothing brings greater honor to this body and the persons we are proud to represent than keeping faith with the men and women who have worn the uniform in service to our country. H.R. 1315 keeps and extends our commitment to those who have risked their lives to defend our country. I urge all members to support this legislation.

Mr. BOOZMAN. Mr. Speaker, if the gentleman has no further speakers, in closing, I can't tell you how privileged I am in serving on the Economic Opportunity Subcommittee. We are charged with putting veterans to work and providing educational benefits. As the son of an old master sergeant in the Air Force who did 20 years and retired, I understand the importance of this.

This bill is an excellent bill. I want to thank the chairman for his hard work and also thank the ranking member, Mr. BUYER, for his hard work. I thank Chairwoman HERSETH SANDLIN, and again our staffs who do so much work.

This bill is an excellent product of bipartisan work on behalf of veterans, and I urge all of my colleagues to support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I need to yield 1 further minute to the gentlewoman from Texas (Ms. JACKSON-LEE) for some thank-you words.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add the staff director of the full committee to the list of appreciation I would like to offer, along with Maggie Mitchell, Shelle Gordon, Mona Floyd, Yohannes Tsehai, Greg Berry, and all of the Veterans' Affairs Committee.

Also, let me acknowledge, I think there was a deletion of section 5, and I want to correct that for the record.

Mr. FILNER. Mr. Speaker, I just wanted to conclude by referring to the section that the gentlewoman from Texas (Ms. JACKSON-LEE) referred to.

Unfortunately, because of scoring rules, we had to remove at the last minute a section that would have given protection from foreclosure, extend the protection from foreclosure on homes from 3 months to 6 months for those who are fighting abroad, whether in the active duty or in the Guard and Reserve units.

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It's a very important section, very important protection I think that we have to extend to our men and women in active duty. We will take that up at a later time and try to make sure that that protection is granted.

Mr. WALZ of Minnesota. Mr. Speaker, I rise today in support of H.R. 1315. I applaud my colleague, Congresswoman HERSETH SANDLIN, for her tireless work as Chair of the Economic Opportunity Subcommittee of the Veterans' Affairs Committee. She has put together an impressive package of benefits in this bill and as a veteran myself, I have to say I am incredibly proud to serve with the Congresswoman and am grateful for her unwavering support of veterans.

I am also proud that this bill includes the language from H.R. 1632, the Improving Veterans' Reemployment Act. Congressman DAVE REICHERT and I introduced this legislation to enact a small, technical fix that will improve the way the Federal Government deals with National Guard and Reserve reemployment complaints.

This legislation acts on the GAO's recommendations by requiring the federal agencies and departments that are involved with veterans' reemployment complaints to fully share their data. The bill also mandates that Congress receive all of this data in an aggregate report. This legislation offers a simple fix to a problem that has a negative effect on thousands of veterans returning home to their civilian jobs.

As a retired Command Sergeant Major in the Army National Guard, I have an intimate understanding of the veterans' reemployment issue. I deployed in support of Operation Enduring Freedom from 2003 to 2004 and was fortunate to have my job as a high school teacher waiting for me when I returned home. Unfortunately, the process was not as simple for every member of my unit and I have heard plenty of horror stories from both Guard members and Reservists who came home to a radically different job situation. Local businesses back home in Minnesota have done a tremendous job supporting the Guard and Reserves and bearing the financial burden of long deployments, but service members can still face problems when they return. Our bill goes a long way to improving the way the Federal Government deals with reemployment problems.

I urge my colleagues to support our legislation and the larger bill, H.R. 1315. Aside from the provisions of the legislation Congressman REICHERT and I authored, the Improving Veterans' Reemployment Act, H.R. 1315 includes many important provisions that improve benefits for veterans nationwide.

Mr. FILNER. Mr. Speaker, I urge support of H.R. 1315, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1315, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A Bill to amend title 38, United States Code, to make certain improvements in the benefits provided to veterans under laws administered by the Secretary of Veterans Affairs, and for other purposes.''.

A motion to reconsider was laid on the table.

VETERANS' HEALTH CARE IMPROVEMENT ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2874) to amend title 38, United States Code, to make certain improvements in the provision of health care to veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2874

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Health Care Improvement Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Grants for support of therapeutic readjustment programs for veterans.
Sec. 3. Transportation grants for rural veterans service organizations.
Sec. 4. Permanent treatment authority for participants in Department of Defense chemical and biological testing conducted by Deseret Test Center (including Project Shipboard Hazard and Defense).
Sec. 5. Extension of expiring collections authorities.
Sec. 6. Readjustment and mental health services for Operation Enduring Freedom and Operation Iraqi Freedom Veterans.
Sec. 7. Expansion and extension of authority for program of referral and counseling services for at-risk veterans transitioning from certain institutions.
Sec. 8. Permanent authority for domiciliary services for homeless veterans and enhancement of capacity of domiciliary care programs for female veterans.
Sec. 9. Financial assistance for supportive services for very low-income veteran families in permanent housing.

Sec. 10. Expansion of eligibility for dental care.
Sec. 11. Technical amendments.

SEC. 2. GRANTS FOR SUPPORT OF THERAPEUTIC READJUSTMENT PROGRAMS FOR VETERANS.

(a) GRANT PROGRAM.—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 521 the following new section:

"§ 521A. Assistance to therapeutic readjustment programs

''(a) GRANT PROGRAM.—The Secretary of Veterans Affairs may make grants to qualified entities described in subsection (b) to conduct workshop programs that have been shown to assist in the therapeutic readjustment and rehabilitation of participants to assist in the therapeutic readjustment of covered veterans.

''(b) QUALIFIED ENTITIES.—In order to qualify for grant assistance under subsection (a), a private nonprofit entity must have, as determined by the Secretary, experience and expertise in offering programs to assist in the therapeutic readjustment of participants and that such programs will likely assist covered veterans.

''(c) AMOUNT OF GRANT; USE OF FUNDS.—A grant under this section shall not exceed $100,000 for any calendar year and shall be used by the recipient exclusively for the benefit of covered veterans.

''(d) APPLICATION.—An application for a grant under this section shall include details regarding the extent and nature of the proposed program, the therapeutic readjustment and rehabilitation benefits expected to be achieved by participants, and any other information the Secretary determines may be necessary to assist the Secretary in ensuring that covered veterans receive therapeutic readjustment and rehabilitation benefits.

''(e) COVERED VETERANS.—For the purposes of this subsection, a 'covered veteran' is a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after November 11, 1998, and who is discharged or released from active military, naval, or air service on or after September 11, 2001.

''(f) REPORTS.—Not later than 60 days after the last day of a fiscal year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report detailing the number and amount of grants made under this section during the previous fiscal year, the total number of covered veterans participating in workshop programs funded by such grants, a description of the programs, and the therapeutic benefits to covered veterans of participation in the various programs funded.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 through 2011 $2,000,000 to carry out this section.

''(h) TERMINATION.—The authority of the Secretary to make a grant under subsection (a) shall terminate on September 30, 2011.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 521 the following new item:

''521A. Assistance to therapeutic readjustment programs.''.

SEC. 3. TRANSPORTATION GRANTS FOR RURAL VETERANS SERVICE ORGANIZATIONS.

(a) GRANT PROGRAM.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1709. Grants for provision of transportation to Department medical facilities for veterans in remote rural areas

''(a) GRANTS AUTHORIZED.—(1) The Secretary shall establish a grant program to provide innovative transportation options to veterans in remote rural areas.

''(2) Grants awarded under this section may be used by State veterans' service agencies, veterans service organizations, and private nonprofit entities to assist veterans in remote rural areas to travel to Department medical facilities.

''(3) The amount of a grant under this section may not exceed $50,000.

''(4) The recipient of a grant under this section shall not be required to provide matching funds as a condition for receiving such grant.

''(b) REGULATIONS.—The Secretary shall prescribe regulations for—

''(1) evaluating grant applications under this section; and

''(2) otherwise administering the program established by this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 for each of fiscal years 2008 through 2012 to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1708 the following new item:

''1709. Grants for provision of transportation to Department medical facilities for veterans in remote rural areas.''.

SEC. 4. PERMANENT TREATMENT AUTHORITY FOR PARTICIPANTS IN DEPARTMENT OF DEFENSE CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY DESERET TEST CENTER (INCLUDING PROJECT SHIPBOARD HAZARD AND DEFENSE).

Section 1710(e)(3) of title 38, United States Code, is amended—

(1) in subparagraph (B), by inserting ''and'' after the semicolon;

(2) in subparagraph (C), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (D).

SEC. 5. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.

(a) HEALTH CARE COPAYMENTS.—Section 1710(f)(2)(B) is amended by striking ''2007'' and inserting ''2009''.

(b) MEDICAL CARE COST RECOVERY.—Section 1729(a)(2)(E) is amended by striking ''2007'' and inserting ''2009''.

SEC. 6. READJUSTMENT AND MENTAL HEALTH SERVICES FOR COVERED VETERANS.

(a) PROVISION OF READJUSTMENT COUNSELING AND MENTAL HEALTH SERVICES.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following new section:

"§ 1712C. Provision of readjustment counseling and mental health services for covered veterans

''(a) PROGRAM REQUIRED.—The Secretary shall carry out a program to provide peer outreach services, peer support services, and readjustment and mental health services to covered veterans.

''(b) CONTRACTS WITH COMMUNITY MENTAL HEALTH CENTERS.—In carrying out the program required by subsection (a), the Secretary shall contract with community mental health centers and other qualified entities to provide the services referred to in that paragraph in areas the Secretary determines are not adequately served by health care facilities of the Department. Such contracts shall require each community health center or other entity—

''(1) to the extent practicable, to employ covered veterans trained under subsection (c);

''(2) to the extent practicable, to use telehealth services for the provision of such services;

''(3) to participate in the training program under subsection (d);

''(4) to comply with applicable protocols of the Department before incurring any liability on behalf of the Department for the provision of such the services;

''(5) to submit annual reports to the Secretary containing, with respect to the program required by subsection (a) and for the last full calendar year ending before the submission of such report—

''(A) the number of veterans served, veterans diagnosed, and courses of treatment provided to veterans as part of the program required by subsection (a); and

''(B) demographic information for such services, diagnoses, and courses of treatment;

''(6) to provide to the Secretary such clinical summary information as the Secretary may require for each veteran for whom the center or entity provides mental health services under the contract; and

''(7) to meet such other requirements as the Secretary may require.

''(c) TRAINING PROGRAM FOR VETERANS.—In carrying out the program required by subsection (a), the Secretary shall contract with a nonprofit mental health organization to carry out a program to train covered veterans to provide peer outreach and peer support services.

''(d) TRAINING PROGRAM FOR CLINICIANS.—The Secretary shall conduct a training program for clinicians of community mental health centers or other entities that have entered into contracts with the Secretary under subsection (b) to ensure that such clinicians are able to provide the services required by subsection (a) in a manner that—

''(1) recognizes factors that are unique to the experience of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including the combat and military training experiences of such veterans); and

''(2) utilizes best practices and technologies.

''(e) COVERED VETERANS.—For the purposes of this subsection, a 'covered veteran' is a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section1712A(a)(2)(B) of this title) after November 11, 1998, and who is discharged or released from active military, naval, or air service on or after September 11, 2001.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1712B the following new item:

''1712C. Provision of readjustment counseling and mental health services for covered veterans.''.

SEC. 7. EXPANSION AND EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR AT-RISK VETERANS TRANSITIONING FROM CERTAIN INSTITUTIONS.

(a) PROGRAM AUTHORITY.—Subsection (a) of section 2023 of title 38, United States Code, is amended by striking ''a demonstration program for the purpose of determining the costs and benefits of providing'' and inserting ''a program to provide''.

(b) SCOPE OF PROGRAM.—Subsection (b) of such section is amended—

(1) by striking ''DEMONSTRATION'' in the subsection heading;

(2) by striking ''demonstration''; and

(3) by striking ''in at least six locations'' and inserting ''in at least 12 locations''.

(c) EXTENSION OF AUTHORITY.—Subsection (d) of such section is amended by striking ''shall cease'' and all that follows and inserting ''shall cease on September 30, 2011.''.

(d) CONFORMING AMENDMENTS.—

(1) SCOPE OF PROGRAM.—Subsection (c)(1) of such section is amended by striking ''demonstration''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions''.

(3) OTHER CONFORMING AMENDMENT.—Section 2022(f)(2)(C) of such title is amended by striking ''demonstration''.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by striking the item relating to section 2023 and inserting the following new item:

''2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions.''.

SEC. 8. PERMANENT AUTHORITY FOR DOMICILIARY SERVICES FOR HOMELESS VETERANS AND ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.

Subsection (b) of section 2043 of title 38, United States Code, is amended to read as follows:

''(b) ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.—The Secretary shall take appropriate actions to ensure that the domiciliary care programs of the Department are adequate, with respect to capacity and safety, to meet the needs of veterans who are women.''.

SEC. 9. FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

(a) PURPOSE.—The purpose of this section is to facilitate the provision of supportive services for very low-income veteran families in permanent housing.

(b) AUTHORIZATION OF FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—Subchapter V of chapter 20 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2044. Financial assistance for supportive services for very low-income veteran families residing in permanent housing

''(a) DISTRIBUTION OF FINANCIAL ASSISTANCE.—

''(1) The Secretary shall provide financial assistance to eligible entities approved under this section to provide and coordinate the provision of the supportive services for very low-income veteran families residing in permanent housing.

''(2)(A) Financial assistance under this section shall consist of payments for each such family for which an approved eligible entity provides or coordinates the provision of supportive services.

''(B) The Secretary shall establish a formula for determining the rate of payments provided to a very low-income veteran family receiving supportive services under this section. The rate shall be adjusted not less than once annually to reflect changes in the cost of living. In calculating the payment formula under this subparagraph, the Secretary may consider geographic cost of living variances, family size, and the cost of services provided.

''(3) In providing financial assistance under paragraph (1), the Secretary shall give preference to an entity that provides or coordinates the provision of supportive services for very low-income veteran families who are transitioning from homelessness to permanent housing.

''(4) The Secretary shall ensure that, to the extent practicable, financial assistance under this subsection is equitably distributed across geographic regions, including rural communities and tribal lands.

''(5) Each entity receiving financial assistance under this section to provide supportive services to a very low-income veteran family shall notify the family that such services are being paid for, in whole or in part, by the Department.

''(6) The Secretary may require an entity receiving financial assistance under this section to submit a report to the Secretary describing the supportive services provided with such financial assistance.

''(b) APPLICATION FOR FINANCIAL ASSISTANCE.—

''(1) An eligible entity seeking financial assistance under subsection (a) shall submit to the Secretary an application in such form, in such manner, and containing such commitments and information as the Secretary determines to be necessary.

''(2) An application submitted under paragraph (1) shall contain—

''(A) a description of the supportive services proposed to be provided by the eligible entity;

''(B) a description of the types of very low-income veteran families proposed to be provided such services;

''(C) an estimate of the number of very low-income veteran families proposed to be provided such services;

''(D) evidence of the experience of the eligible entity in providing supportive services to very low-income veteran families; and

''(E) a description of the managerial capacity of the eligible entity to—

''(i) coordinate the provision of supportive services with the provision of permanent housing, by the eligible entity or by other organizations;

''(ii) continuously assess the needs of very low-income veteran families for supportive services;

''(iii) coordinate the provision of supportive services with the services of the Department;

''(iv) tailor supportive services to the needs of very low-income veteran families; and

''(v) continuously seek new sources of assistance to ensure the long-term provision of supportive services to very low-income veteran families.

''(3) The Secretary shall establish criteria for the selection of eligible entities to receive financial assistance under this section.

''(c) TECHNICAL ASSISTANCE.—

''(1) The Secretary shall provide training and technical assistance to eligible entities that receive financial assistance under this section with respect to the planning, development, and provision of supportive services to very low-income veteran families occupying permanent housing.

''(2) The Secretary may provide the training described in paragraph (1) directly or through grants or contracts with appropriate public or nonprofit private entities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each fiscal year, $25,000,000, to carry out this section, of which not more than $750,000 for each fiscal year may be used to provide technical assistance under subsection (c).

''(e) DEFINITIONS.—For the purposes of this section:

''(1) The term 'very low-income veteran family' means a veteran family whose income does not exceed 50 percent of the median income for the area, as determined by the Secretary in accordance with this paragraph, except that—

''(A) the Secretary shall make appropriate adjustments to the income requirement under subparagraph (A) based on family size; and

''(B) the Secretary may establish an income ceiling higher or lower than 50 percent of the median income for an area if the Secretary determines that such variations are necessary because the area has unusually high or low construction costs, fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or family incomes.

''(C) the Secretary shall establish criteria for determining the need for specific supportive services (as defined by paragraph (8)) of individual very low income veteran families occupying permanent housing.

''(2) The term 'veteran family' includes a veteran who is a single person and a family in which the head of household or the spouse of the head of household is a veteran.

''(3) The term 'consumer cooperative' has the meaning given such term in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

''(4) The term 'eligible entity' means—

''(A) a private nonprofit organization; or

''(B) a consumer cooperative.

''(5) The term 'homeless' has the meaning given the term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

''(6) The term 'permanent housing' means community-based housing without a designated length of stay.

''(7) The term 'private nonprofit organization' means—

''(A) any incorporated private institution or foundation—

''(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(ii) which has a governing board that is responsible for the operation of the supportive services provided under this section; and

''(iii) which is approved by the Secretary as to financial responsibility;

''(B) a for-profit limited partnership, the sole general partner of which is an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

''(C) a corporation wholly owned and controlled by an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A); and

''(D) a tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)).

''(8) The term 'supportive services' means the following:

''(A) Services provided by an eligible entity or subcontractors that address the needs of very low-income veteran families occupying permanent housing, including—

''(i) outreach services;

''(ii) health care services, including diagnosis, treatment, and counseling for mental health and substance abuse disorders and for post-traumatic stress disorder, if such services are not readily available through the Department of Veterans Affairs medical center serving the geographic area in which the veteran family is housed;

''(iii) habilitation and rehabilitation services;

''(iv) case management services;

''(v) daily living services;

''(vi) personal financial planning;

''(vii) transportation services;

''(viii) vocational counseling;

''(ix) employment and training;

''(x) educational services;

''(xi) assistance in obtaining veterans benefits and other public benefits, including health care provided by the Department;

''(xii) assistance in obtaining income support;

''(xiii) assistance in obtaining health insurance;

''(xiv) fiduciary and representative payee services;

''(xv) legal services to assist the veteran family with reconsiderations or appeals of veterans and public benefit claim denials and to resolve outstanding warrants that interfere with the family's ability to obtain or retain housing or supportive services;

''(xvi) child care;

''(xvii) housing counseling;

''(xviii) other services necessary for maintaining independent living; and

''(xix) coordination of services described in this paragraph.

''(B) Services provided by an eligible entity or subcontractors, including services described in clauses (i) through (xix) of subparagraph (A), that are delivered to very low-income veteran families who are homeless and who are scheduled to become residents of permanent housing within 90 days of the date on which the service is provided pending the location or development of housing suitable for permanent housing.

''(C) Services provided by an eligible entity or subcontractors, including services described in clauses (i) through (xix) of subparagraph (A), for very low-income veteran families who have voluntarily chosen to seek other housing after a period of tenancy in permanent housing, that are provided, for a period of 90 days beginning on the date on which such a family exits permanent housing or until such a family commences receipt of other housing services adequate to meet the needs of the family, but only to the extent that services under this paragraph are designed to support such a family in the choice to transition into housing that is responsive to the individual needs and preferences of the family.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2043 the following new item:

''2044. Financial assistance for supportive services for very low-income veteran families residing in permanent housing.''.

SEC. 10. EXPANSION OF ELIGIBILITY FOR DENTAL CARE.

Section 2062(b) of title 38, United States Code, is amended by striking ''60 consecutive days'' both places it appears and inserting ''30 consecutive days''.

SEC. 11. TECHNICAL AMENDMENTS.

Title 38, United States Code, is amended—

(1) in each of sections 1708(d), 7314(f), 7320(j)(2), 7325(i)(2), and 7328(i)(2), by striking ''medical care account'' and inserting ''medical services account'';

(2) in section 1712A—

(A) by striking subsection (g);

(B) by redesignating subsections (d), (e), (f), and (i) as subsections (c) through (f), respectively; and

(C) in subsection (f)(1), as so redesignated, by striking ''(including a Resource Center designated under subsection (h)(3)(A) of this section)'';

(3) in section 2065(b)(3)(C), by striking ''(''';

(4) in the table of sections at the beginning of chapter 36, by striking the item relating to section 3684A and inserting the following new item:

''3684A. Procedures relating to computer matching program.'';

(5) in section 3684(a)(1), by striking ''34,,'' and inserting ''34,'';

(6) in section 4110(c)(1), by striking ''15'' and inserting ''16'';

(7) in the table of sections at the beginning of chapter 51, by striking the item relating to section 5121 and inserting the following new item:

''5121. Payment of certain accrued benefits upon death of a beneficiary.'';

(8) in section 7458(b)(2), by striking ''pro rated'' and inserting ''pro-rated''; and

(9) in section 8117(a)(1), by striking ''such such'' and inserting ''such''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, as with the last bill, I want to just thank both the chair, Mr. MICHAUD of Maine, and the ranking member, Mr. MILLER from Florida, for their great leadership and bipartisan cooperation to get an important piece of legislation out.

This bill, the Veterans' Health Care Improvement Act of 2007, combines a lot of different ideas from Members on both sides of the aisle, and we are pleased to have this bill on the floor today.

Certainly, the mental health and well-being of our newest generation of veterans is a serious cause for concern and deserves our fullest attention.

The VA reported in April of this year that of the OEF/OIF veterans who have separated and sought health care through the VA, mental disorders rank second of frequency of possible diagnoses amongst these veterans.

Post-traumatic stress disorder, PTSD, is the number one health concern. At this point, over 39,000 returning veterans have received a provisional diagnosis of this, and we are looking into, in fact, maybe a systemic underestimation of those who are diagnosed and, therefore, to get treatment.

Mr. Speaker, the composition of the fighting forces in Iraq and Afghanistan today is unique from past conflicts. Guard and Reserve forces make up a large percentage of those fighting, around 50 percent or a little more. Though only 19 percent of the Nation lives in rural America, 44 percent of U.S. military recruits come from rural areas.

We must ensure that their health care and services meet the needs that they deserve and have earned. It must be available and accessible to all, and I would say we will take up as a committee the broad subject of rural veterans sometime in the near future.

This bill requires the VA to award grants to conduct workshop programs to help heal and better the lives of veterans who need it through therapeutic programs such as art, writing and music to name just a few. It establishes a grant program to provide transportation options to veterans living in rural areas that will help to lessen the burden on veterans who are unable to drive long distances due to their disability or illness.

It also provides permanent authority to the VA to treat veterans who are subject to chemical and biological testing. This is an obligation we owe to those who have served.

We provide also for readjustment counseling and mental health services. We include contracting with community mental health centers in areas not adequately served by VA and contracting with nonprofit mental health organizations to train OEF/OIF veterans in outreach and peer support.

We address issues affecting homeless veterans and their families. The VA has now become the largest single provider of direct services to homeless veterans, reaching 25 percent of homeless veterans a year through various programs. Our aim is to make it 100 percent. Many communities have recently gone through what they call stand-downs, 2- or 3-day efforts to bring the whole community in cooperation to provide the services that homeless veterans need, whether they be medical or dental or legal or drug abuse counseling, of course, food and clothing; and we do that in 3 days a year in many communities. It is up to the VA to do that 365 days a year for all our veterans, and we estimate over 200,000 on the streets tonight who served our Nation.

Prior to becoming homeless, a large number of veterans have struggled with PTSD or had addictions acquired during or worsened by their military service, and we want to expand and extend the counseling services for these veterans. We expand programs to 12 locations throughout the Veterans Health Administration and extend this program through 2011.

The VA domiciliary care programs are an essential piece in assisting veterans and providing needed services to help them recover and become productive citizens again. We enhance in this bill the capacity of such domiciliary care programs, for female veterans especially.

Finally, we want to authorize VA to provide financial assistance to provide supportive services for very low-income veteran families who reside in permanent housing.

In short, Mr. Speaker, H.R. 2874 takes care of the men and women who have so selflessly taken care of us. It provides our veterans with the quality health care programs and services they need and they so richly deserve. It is another down payment, another measurable piece of keeping our promise to those who have kept their promise to us.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, once again, the eloquence of our able chairman, he has done an excellent job in explaining the bill that's before us on the floor today.

Mr. Speaker, this is an outstanding bill. It was a true bipartisan effort. I appreciate the chairman of the committee, Mr. MICHAUD's, able leadership

in bringing this bill to the floor. It does all of the things that our chairman had talked about.

It deals with veterans in rural and remote areas. It does deal with certain DOD biological and chemical warfare testing that was done during the Cold War. It also deals with domiciliary programs, providing adequate and safe environments to meet the needs of women veterans.

This is not just a good bill. It is a very good bill that helps VA provide better care for our Nation's veteran, and I do urge my colleagues to support this legislation.

H.R. 2874, the Veterans' Health Care Improvement Act of 2007, as amended, has strong bipartisan support and I want to express my sincere thanks to Subcommittee Chairman MICHAUD for his leadership and hard work to develop this legislation.

H.R. 2874, as amended, would establish a number of meaningful improvements that will help VA to provide better care for our Nation's veterans.

Veterans in remote rural areas would benefit with the establishment of a grant program to provide innovative transportation options to access VA medical facilities.

Readjustment counseling and mental health services for OIF/OEF veterans would be enhanced through programs that would provide peer outreach and support services, with special emphasis for Guard and Reservists.

Veterans who participated in certain Department of Defense biological and chemical warfare testing during the Cold War would permanently be granted free VA medical care for conditions that may have resulted from their participation in such testing.

VA domiciliary programs would be required to have adequate and safe environments to meet the needs of women veterans.

Very low-income veteran families residing in or transitioning to permanent housing would be eligible for VA financial assistance for supportive services.

This is a good bill that would help VA provide better care for our Nation's veterans.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, again, I yield 3 minutes to the Chair of our Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise in strong support of H.R. 2874, and I'd like to once again thank Chairman FILNER for his focused and effective leadership in advancing this important legislation. Ranking Member BUYER and especially subcommittee Chairman MICHAUD and Ranking Member MILLER are also to be commended for their hard work and bipartisanship and for including Services to Prevent Homelessness Act, a bill which I introduced, in the Veterans' Health Care Improvement Act.

This legislation would authorize the Secretary of Veterans Affairs to provide financial assistance to nonprofit organizations and consumer cooperatives to provide and coordinate the provision of supportive services that address the needs of very low-income veterans occupying permanent housing.

While Federal programs exist to help enhanced veterans homeownership, there is no national housing assistance program targeted to low-income veterans. Permanent housing opportunities for veterans ready for independent living are limited. In addition, the VA currently is not permitted to provide grants for affordable permanent housing, and the resources that are available for providers are inadequate and highly sought after by competing housing programs.

So I thank the chairman once again for supporting this legislation. I thank the committee staff on both sides of the aisle for their excellent work as well on this bill and others considered today, and I look forward to continuing to work with my colleagues on the Veterans' Affairs Committee to support efforts to meet the housing assistance needs, among other needs, of our Nation's low-income veterans.

I urge my colleagues to support H.R. 2874.

Mr. MILLER of Florida. Mr. Speaker, I see that the chairman has other speakers that he may wish to yield time to, so we will reserve the balance of our time.

Mr. FILNER. Mr. Speaker, I thank the ranking member.

Mr. Speaker, Mr. RODRIGUEZ from Texas has been particularly active and energetic in advocating for the treatment of the mental health needs of our veterans, and I yield 3 minutes to him.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of H.R. 2874, The Veterans' Health Care Improvement Act of 2007. I would also like to take this opportunity to recognize our chairman, BOB FILNER, for his leadership on this issue, and I want to personally thank him for what's accomplished on a variety of issues regarding veterans.

I also want to acknowledge my friend, Congressman MILLER, for his efforts also on this particular bill.

This is an important piece of legislation and the nearly 60,000 veterans in my mostly rural district will certainly benefit from this particular bill.

Earlier this year, I sponsored H.R. 2689, a bill that improves mental health services for Operation Enduring Freedom and Operation Iraqi Freedom veterans. This bill would establish a program for peer-to-peer outreach and counseling for veterans. Many experts believe this method is critical for getting veterans in need of services into the VA system.

Additionally, under H.R. 2689, the VA would be required to look beyond its current services to ensure that veterans have access to the services that they need by embracing the expertise available in our communities and contract out to qualified providers such as community mental health centers who have been providing quality mental health services for families for many years.

Under the leadership of the chairman, my bill was incorporated into this bill, and I want to personally thank him.

Also included in this bill are provisions critical to veterans, as our Speaker today understands, in Texas, such as the transportation grants for rural veterans service organizations. In some parts of my district and throughout this country, veterans have to drive long hours to get access to services. This bill allows an opportunity for us to provide some needed assistance and services in this specific area.

I also want to acknowledge that this bill also has language that deals with Project SHAD, a bill that was extremely important to begin to identify those thousands of soldiers that we also used weapons such as nerve gas and other types of testing on, that we did on our own soldiers that allows an opportunity for them to continue to get service.

And other members of this committee, I want to personally thank them for their efforts. Once again, I want to take this opportunity to thank the chairman for his leadership.

Mr. MILLER of Florida. Mr. Speaker, we continue to reserve.

Mr. FILNER. Mr. Speaker, one of our new Members, Congressman MURPHY from Pennsylvania, returned from Operation Iraqi Freedom. He gives us the benefit of that experience both as an advocate for our active duty and to the veterans who have served. We welcome you to the Congress. We thank you for your expertise, and I yield as much time as he may consume to the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise today to give voice to a terrible injustice. On any given night in America, nearly 200,000 veterans go homeless and twice as many will go homeless over the course of the year. This is shameful.

In my district in southeastern Pennsylvania, this problem is very real. There are more than 3,300 homeless veterans in Pennsylvania and at least 550 in the greater Philadelphia area alone. These are veterans who saw combat in World War II, Korea, Vietnam, Afghanistan and Iraq.

As someone who spent 10 years in the Army and walked the streets of Baghdad, I cannot stand by while more of my fellow soldiers go hungry and seek shelter. Over the last 3 years, as many as 1,300 veterans from Iraq and Afghanistan have participated in homeless outreach programs by the VA in their community. Who knows how many others went without help.

That's why, Mr. Speaker, I proudly support the Veterans' Health Care Improvement Act, which looks after those who have sacrificed so much for our country.

□ 1700

This much-needed bill makes permanent a program to identify at-risk servicemembers to prevent them from

ever becoming homeless once they leave the military. With the rapidly increasing number of women veterans, the bill also instructs the VA to make their programs for homeless veterans more accommodating for female veterans.

I was proud to introduce these important provisions, and I thank the gentleman from California (Mr. FILNER), and the gentleman from Maine (Mr. MICHAUD), for bringing this bill to the floor and their leadership on this issue. These brave American veterans, who once faced down our enemies, shouldn't have to face one more night out on the street.

Mr. MILLER of Florida. Mr. Speaker, in closing, I would just say H.R. 2874, as amended, would establish a number of meaningful improvements that would help VA to provide better care for our Nation's veterans. Once again, I support my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Again, I thank Mr. MILLER and Mr. MICHAUD for their leadership on the bill and all the Members on both sides of the aisle that have contributed to it.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2874.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I would like to commend the chairman and Ranking Member MILLER for the work they have done on this legislation, but moreover, the attention they paid to our Nation's veterans. I also want to commend the members of this committee for all the work that they have done on mental health.

Mr. Speaker, I have had an opportunity, as a member of the Veterans Appropriations Committee, to sit in on some of the committee hearings on the Veterans Authorizing Committee and seeing the work that they have done to try to increase the outreach to veterans with post-traumatic stress disorder. I am pleased to see that this committee is starting to do as much as they can to reach out to these veterans as they return from Iraqi Freedom. But, clearly, more needs to be done. We have witnessed that in these recent hearings.

I think that, clearly, the Appropriations Committee has recognized this this year. I am pleased to announce that this Congress has voted the largest increase in veterans health care spending in the 77-year history of the Veterans Department.

Within that, there is an over $100 million increase in veterans specialty mental health care. This is just one acknowledgment of many that our veterans, when they come home, we need to make sure they come home not only in body, but that they come home in spirit, and that it's not enough just to take care of the outer wounds of our Nation's veterans, but we also need to make sure that we mend the inner wounds, the psychological and emotional wounds that they have sustained during war defending our country's freedom.

Mr. FILNER. I thank the gentleman for his leadership on mental health parity in this Nation.

Mr. MICHAUD. Mr. Speaker, I want to thank Chairman FILNER and Ranking Member BUYER for their leadership on the Committee and for moving these four bills forward to help our veterans. I would also like to thank Ranking Member MILLER for working with me on the veterans' health care bills we are considering today.

I will limit my comments to H.R. 2874, although I support each of the bills we are considering today. H.R. 2874 was passed unanimously by our Committee. It represents a bipartisan effort to address a variety of issues facing our veterans.

Section 2 of H.R. 2874 supports therapeutic readjustment programs to assist veterans in their long physical and mental journey home through a new grant program. Veterans already participate in these programs without any financial assistance or guidance from the VA. It is my hope that this new grant program will increase the number of veterans using these rehabilitative options and that this will enable VA and providers to better assess the benefits of these programs to veterans.

Section 3 authorizes funding for transportation grants for rural veterans. Access to care is a significant challenge for rural veterans. This program will provide grants to VSOs to implement innovative ways of overcoming this challenge. This section was authored by Mr. SALAZAR.

Section 4 provides permanent authority for VA treatment of participants in the DOD chemical and biological testing conducted by Deseret Test Center, including Project SHAD (Shipboard Hazard and Defense). This permanent authority was requested by the VA. Section 5 extends collections authorities for the VA until 2009. This extension was also requested by the VA.

Section 6 authorizes the VA to provide expanded readjustment and mental health services in areas determined by the secretary to be underserved, especially peer-to-peer outreach services, for Operation Enduring Freedom and Operation Iraqi Freedom veterans.

Sections 7 and 8 come from Congressman PATRICK MURPHY's legislation, H.R. 2699. It is no surprise that Congressman MURPHY has taken a leadership role in helping our Nation's veterans, and I thank him for his work. There are as many as 200,000 veterans on the streets each night. This is a shame on our Nation that must be addressed. The provisions from Congressman MURPHY's bill are critical to ending this shame and helping these veterans find their way home.

Section 7 expands and extends the successful VA program of referral and counseling for at-risk veterans transitioning from certain institutions. The program is extended to 2011 and expanded from six locations to 12. These services are largely directed toward incarcerated veterans. There were over 225,000 veterans in prison in 1998. I believe it is important that we make every effort to make sure that they do not return to prison.

Section 8 requires the Secretary to ensure that VA domiciliary programs are adequate in capacity and safety to meet the needs of women veterans. Homeless women veterans are an increasing proportion of the homeless veteran population. We need to make sure that facilities are capable of safely caring for this population and helping them get back on their feet.

Section 9 authorizes funding for the Secretary to provide financial assistance to eligible entities to provide supportive services for very low-income veteran families residing in permanent housing. This section comes from a bill authored by Congresswoman HERSETH SANDLIN.

Section 10 changes from 60 days to 30 days the required time for a homeless veteran to be in a VA program before they are eligible for dental care. Section 11 makes technical amendments to title 38.

Overall, this bill continues the ongoing efforts of our Committee and this Congress to address the needs of our veterans and their families. It is my hope that when we return in September, we can work quickly with the Senate to create an omnibus package that includes H.R. 2874, H.R. 2199, Mr. MILLER's bill H.R. 2623, and other important veterans' health care initiatives to send to the President for his signature.

I believe this is a good bipartisan bill and I ask my colleagues for their support.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2874, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROHIBITION ON COLLECTION OF COPAYMENTS FOR ALL HOSPICE CARE FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2623) to amend title 38, United States Code, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2623

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

SECTION 1. PROHIBITION ON COLLECTION OF COPAYMENTS FOR ALL HOSPICE CARE FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

Title 38, United States Code, is amended—

(1) in section 1710(f)(1), by inserting ''(except if such care constitutes hospice care)'' after ''nursing home care'';

(2) in section 1710(g)(1), by inserting ''(except if such services constitute hospice care)'' after ''medical services''; and

(3) in section 1710B(c)(2), by striking subparagraph (B) and inserting after subparagraph (A) the following new subparagraph (B):

''(B) to a veteran being furnished inpatient or outpatient hospice care by the Department; or''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I thank Mr. MILLER for bringing us this bill, because working with Mr. MICHAUD of Maine, we have an important piece of legislation that most people would have thought dealt with a problem that didn't exist.

Mr. Speaker, hospice and palliative care is a continuum of comfort-oriented and supportive services provided across settings, including hospitals, extended facilities, outpatient clinics and private residences. The VA offers a complement of hospice and palliative care options as part of a comprehensive health care benefit of provided to all veterans who are enrolled in our system.

Under current law, a veteran receiving hospice care in a nursing home is exempt from any applicable copayments. However, if the hospice care is provided in any other setting, such as an acute-care hospital or at home, the veteran may be subject to an in-patient or out-patient primary care copayment. This policy penalizes a veteran who chooses to remain at home for their hospice care or who, out of medical necessity, receives hospice care in an acute care setting.

Mr. MILLER recognizes this injustice, and through H.R. 2623, corrects the inequity by exempting all hospice care provided through VA from copayment requirements. It would also align VA with the Medicare program, which does not impose copayments for hospice care. At the end of life, veterans should not have to worry about paying for the comfort that the hospice care provides.

It's the right thing to do, and I am pleased that my colleague from Florida has taken leadership on this,

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. I thank the chairman again for his willingness to quickly move this legislation to the floor.

Mr. Speaker, H.R. 2623, as amended, is a bill that I am a sponsor of. It prohibits the collection of copayments for all hospice care furnished by the Department of Veterans Affairs.

Hospice and palliative care is a continuum of comfort-oriented and supportive services provided across settings, including hospitals, extended care facilities, as the chairman said, outpatient clinics, and private residences. Under current law, a veteran receiving care in a nursing home is exempt from any copay. However, if they choose to take that care in their own home or in an acute-care facility, they could be charged a copayment. VA's current policy would penalize a veteran who chooses to remain in their own home for their end-of-life care or, out of medical necessity, receives their care in an acute-care setting.

The bipartisan support of this bill is greatly appreciated. I urge my colleagues to join me in support of this bill.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2623, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, once again, I would state that with bipartisan working arrangements we have brought forward a package of bills today from the Veterans Committee which deals not only with our older veterans, but with our returning veterans from Iraq and Afghanistan, and that's what we will continue to do.

I urge my colleagues to support H.R. 2623, as amended.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2623, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUGET SOUND WATERSHED COMPREHENSIVE CONSERVATION PROJECT ACT OF 2007

Ms. HERSETH SANDLIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3184) to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3184

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Puget Sound Watershed Comprehensive Conservation Project Act of 2007''.

SEC. 2. COMPREHENSIVE CONSERVATION PLANNING FOR PUGET SOUND AREA.

(a) IN GENERAL.—The Secretary of Agriculture shall carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality. The Secretary shall enter into cooperative agreements with State and local governments, Indian tribes, or non-governmental entities with a history of working with agricultural producers to carry out projects under the program.

(b) ASSISTANCE.—In carrying out the program, the Secretary may—

(1) provide project demonstration grants, provide technical assistance and carry out information and education programs to improve water quality in the Puget Sound area by reducing soil erosion and improving sediment control; and

(2) provide a priority for projects and activities that directly reduce soil erosion or improve water quality.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2008 through 2012 to carry out the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Ms. HERSETH SANDLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Puget Sound is home to over 4 million people and numerous species of fish, birds and other wildlife. It is the economic and environmental driver of the region and an ecological wonder. Sadly, the health of this national treasure has been steadily in decline. The water quality is suffering with areas of deadly low oxygen and levels of harmful toxics that are now being detected in some aquatic species.

However, there is hope. The State of Washington has been leading the charge in fighting this problem and working to restore the Sound to where it should be. This legislation will provide critical support to those efforts by developing a comprehensive conservation project to help determine the right conservation planning efforts for local agricultural producers.

It will provide the capacity that local conservation districts simply don't have in meeting the unique challenges of the Sound. This project would mirror others that have occurred or are occurring in nationally important watersheds.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

The Puget Sound region is home to diverse natural resource dependent industries, including everything from fishing, tourism and recreation to agriculture and forest products. As an estuary, the Sound also houses diverse fish and wildlife species. The Sound itself consists of over 2500 miles of shoreline and is fed by over 10,000 streams and rivers that run throughout northwest Washington.

As the second largest container shipping port in the U.S., the Sound is extremely important to the State and Nation as a whole.

The watershed that feeds the Sound includes several large population centers, but is also home to significant agriculture production, including many specialty crops including raspberries, flower bulbs and vegetable seeds. Agriculture contributes $5.6 billion to Washington State's economy, establishing its rank in agriculture production as 12th in the Nation.

Unfortunately, the Puget Sound region is undergoing tremendous change as more people move into the region and water quality and soil concerns increase. The bill before us today helps address these environmental concerns by encouraging agricultural producers in the region to adopt voluntary conservation practices.

The bill also requires a comprehensive plan to encourage cooperation among the multiple agencies and landowners in the region. Many farms in the Puget Sound are adjacent to endangered salmon-bearing streams and bear the brunt of protection for these and other endangered species.

These regulatory requirements place significant burden on producers struggling to stay on the land. We must continue to encourage cooperation and proactive partnerships with producers in this region, as well as the other heavily agricultural regions in the country, helping to keep producers on the land and keep the Nation's agricultural economy healthy and diverse.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. HERSETH SANDLIN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Washington, (Mr. LARSEN), an original cosponsor of the bill.

□ 1715

Mr. LARSEN of Washington. Mr. Speaker, I want to thank Ms. HERSETH SANDLIN for speaking on behalf of this critical legislation. I want to thank the chairman and the ranking member of the Committee on Agriculture as well for helping bring H.R. 3184 to the floor.

The livelihoods of many families in Washington State depend upon the health and vitality of the Puget Sound. Unfortunately, as we already heard, there is no denying the health of the Puget Sound has been declining. Salmon and other species call the sound home and are either threatened or endangered. Water quality is extremely poor in certain places, and some aquatic species have shown harmful levels of toxins.

Agriculture is a large and important part of the economy in the Puget Sound region, and I represent much of it; and we do not want to see our ag economy decline either. Ag producers face the constant challenge of keeping good ag land in production while being responsible stewards of the land and of the Puget Sound watershed. That is why the State of Washington and our State's Governor Chris Gregoire have led the charge in pulling together ag producers, business, industry, and local nonprofits and many others to develop long-term strategies to restore the Puget Sound.

However, our State cannot do it alone. This legislation takes a first step, and only a first step, to provide critical Federal support to those efforts by developing a competitive, comprehensive, conservation program to help determine the right conservation planning efforts for local agriculture producers. As well, again, this is only a small piece of the puzzle. Most of that puzzle will come from State and local governments.

These types of efforts have been done or are being done in other areas of the country. The results of comprehensive conservation planning helps ag producers make smart conservation decisions and investments, and, in turn, takes important steps restoring the health of the Puget Sound. This bill will provide the capacity that local conservation districts simply do not have in meeting the unique challenges of this critical watershed.

Ag producers in Washington State have a role to play in protecting the health of the Puget Sound, and they are more than willing to do their part, but we need a comprehensive conservation strategy to get that job done, and that is what H.R. 3184 helps us do. I urge the passage of H.R. 3184 and again thank the chairman and the ranking member of the committee for helping to bring this to the floor.

Mr. DICKS. Mr Speaker, I rise in support of H.R. 3184, a bill to authorize the Secretary of Agriculture to carry out a competitive grant program for the Puget Sound area to provide comprehensive conservation planning to address water quality.

For generations, Puget Sound has been the most important geographic feature driving human settlement in the region—first Native American communities followed by the 4 million people who now call it home. With 2,500 miles of shoreline and 2,800 square miles of inland marine waters, it is the second largest estuary in the United States after Chesapeake Bay. Puget Sound is environmentally, culturally and economically linked to Washington State's way of life and it is truly one of America's most spectacular bodies of water, with more than 200 species of fish, 25 kinds of marine mammals, 100 species of sea birds as well as clams, oysters and shrimp.

But the health of Puget Sound is in decline—its waters are experiencing the stress of growth and development and its ability to sustain the abundant fishery we've always enjoyed is in doubt. Around the Sound we have detected low levels of oxygen and increasing concentrations of toxic substances in aquatic animals. With the overall health of this great ecosystem in decline, we have launched a cooperative effort involving all of the local government entities around the Sound, as well as the State and Federal governments, to curtail any harmful substances from being introduced into its waters, to change unwise industrial and agricultural practices and to continue aggressively our research into the causes of pollution in this historically pristine inland sea.

One of our responses must be to encourage innovation and action at the local level and to help local communities recognize the importance of incremental actions in the overall solution. Congressman RICK LARSEN and I have introduced H.R. 3184, the "Puget Sound Watershed Comprehensive Conservation Project Act of 2007." This legislation is supported by all Members of the Washington State congressional delegation. It would authorize a total of $25 million in grants to assist non-Federal governmental or non-governmental organizations, Tribes, and individuals in implementing land management practices and projects that improve water quality and habitat for fish and wildlife in the Puget Sound watershed.

H.R. 3184 authorizes conservation projects that will target innovative conservation measures where they do the most good. The program is intended to stimulate the development and adoption of innovative conservation approaches and technologies while leveraging Federal investment in environmental enhancement and protection, in conjunction with agricultural production.

Mr. Speaker, the Federal government is playing a very important role in restoring the health of Puget Sound, and I believe H.R. 3184 can make a vital contribution to this effort. I urge adoption of the resolution.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

Ms. HERSETH SANDLIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) that the House suspend the rules and pass the bill, H.R. 3184.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. HERSETH SANDLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

EXTENSION OF AUTHORIZATION OF SMALL BUSINESS PROGRAMS

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3206) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3206

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as amended by section 1 of Public Law 110–4 (121 Stat. 7), is further amended by striking ''July 31, 2007'' each place it appears and inserting ''December 15, 2007''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 31, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the legislation being offered today will extend the authorization of the Small Business Administration and its programs through December 15, 2007.

As Congress moves forward on improving SBA and the services it provides, this short-term extension will ensure that small businesses have many of the tools they need to be successful in today's economy.

I am pleased to say the Small Business Administration Committee has made significant progress in making long overdue improvements to this agency. During the 110th Congress, the House Small Business Committee has successfully reported nearly a dozen bills, each designed to update and upgrade SBA programs to meet the needs of the 21st-century entrepreneur.

Nearly all of this legislation has been passed out of the House, and every single bill has had broad bipartisan support. With their passage, we are well on our way to providing the most significant overhaul of the Small Business Administration and its programs in at least two decades.

During this Congress, the House Small Business Committee has successfully moved forward on legislation that will provide affordable loans to entrepreneurs, prevent large corporations from being awarded small business contracts, and ensure veterans, women, and minority-owned firms have access to the assistance that they need. And in light of the failures we saw during Katrina, the committee reported a bill that will improve SBA's disaster loan program. This has been completed in a span of a little over 6 months.

Our committee has been able to provide these changes due to the outstanding leadership of Ranking Member CHABOT and our Chair, Nydia Velazquez. They have worked in a bipartisan manner to provide the necessary tools for this Nation's small businesses.

The extension before us today will allow the committees in the House and Senate to work out the differences in their bills and get them signed into law. These major changes require time to reconcile the House and Senate bills. H.R. 3206 provides the necessary time while ensuring operation of these programs are not interrupted. I urge support of this extension.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3206. This bill is very simple: it extends the authorization of all programs authorized by the Small Business Act, the Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated funds. This extension will last until December 15, 2007. This extension is necessary because authorization for various programs operated by the SBA ceases on July 31, 2007, tomorrow.

Working in a bipartisan manner with Chairwoman VELÁZQUEZ and myself, the committee has ordered 12 bills to be reported out, of which nine have passed this body, the House of Representatives.

While the pace has been furious, more needs to be done in the examination of programs within the committee's jurisdiction. These include small business government contracting programs, investment programs for small businesses, and improving the management of the SBA.

This work cannot be done in a deliberative, thoughtful, and bipartisan manner by midnight tomorrow. Even if the committee and the House finish its deliberations on all aspects of the SBA and its programs, we operate, after all, in a bicameral legislative system. Time is needed for the legislative process in both bodies to function and, if necessary, for the two bodies to meet in a conference to iron out any disagreements concerning each body's deliberations about how best to ensure that the SBA and its myriad programs are best promoting the health of America's entrepreneurs. I urge my colleagues to support H.R. 3206.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 3206.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 986, EIGHTMILE WILD AND SCENIC RIVER ACT

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 986 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). During consideration of this resolution, all time yielded is for the purpose of debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members be allowed 5 legislative days in which to revise and extend their remarks on House Resolution 580.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 580 will allow the House to consider H.R. 986, the Eightmile Wild and Scenic River Act.

Additionally, this rule makes a technical correction in the underlying bill by replacing a letter ''a'' with a letter ''b'' in the legislative text.

The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

Mr. Speaker, the Eightmile Wild and Scenic River Act, H.R. 986, was considered under suspension of the rules on

July 11, and received 239 votes, a majority of the House Members voting in favor of the bill. But as you know, Mr. Speaker, two-thirds majority is required for the expedited suspension procedure; and because the Eightmile Wild and Scenic River Act was supported by well over half the Members of the House, H.R. 986 deserves another opportunity for a floor vote. Therefore, today I urge a favorable vote again for H.R. 986.

Mr. Speaker, with over 150 miles of pristine rivers and streams and 62 square miles of relatively undeveloped countryside in the Connecticut area, the Eightmile Wild River watershed is an exceptional natural and cultural resource. This is being championed by House Member JOE COURTNEY, a new freshman colleague of mine from Connecticut.

The watershed contains large areas of unfragmented habitat, an array of rare and diverse wildlife, scenic vistas, high water quality, unimpeded stream flow, and significant cultural features. The Eightmile watershed has historic stone walls, churches and homes, and scenic views throughout, and an abundance of rare and diverse species within the watershed, including 155 at-risk plant and animal species.

□ 1730

The overall Eightmile River watershed ecosystem is healthy and intact throughout virtually all of its range. The Eightmile River is an exceptional treasure because it is a rare example of an intact river system. This is especially noteworthy in such a highly populated area so close to the coast and within the New York-to-Boston corridor. We must do all that we can to preserve this exceptional natural and cultural resource. The National Park Service agreed in 2006 in its study of the area.

And again, I'd really like to salute my freshman colleague, new Congressman JOE COURTNEY. He has championed this effort to designate segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

Communities in the area have been working for over 10 years for this designation, so I congratulate them today and salute the leadership of Congressman JOE COURTNEY, who brought new energy and commitment to this effort.

I also thank Natural Resources Committee Chair NICK RAHALL for his leadership.

Mr. Speaker, this is a noncontroversial bill. It was reported favorably by the Natural Resources Committee by voice vote in May. It received the strong bipartisan support of the House with a majority vote on July 11. Therefore, I urge my colleagues to support the rule and support the act.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this completely closed rule and to the underlying big government legislation to use eminent domain to strip property owners of their rights that the Democrat majority is bringing to the House floor today.

This is the first of two closed rules being brought to the floor today courtesy of the Democrat majority from the graveyard of democracy and good ideas in the House of Representatives, the Rules Committee. It represents yet another example of the procedural gimmickry being blatantly exploited by the Democrats as they continue to completely ignore their campaign to run the most honest, open Congress in history.

Mr. Speaker, as any 5-year-old could tell you, the opposite of open is closed, and that's precisely what the American people are getting from the Democrats once again, another closed rule.

In fact, as compared with last Congress, through the same date, as of July 30, the Democrats have brought exactly twice as many closed rules to the floor as Republicans did when we held the Speaker's gavel.

Mr. Speaker, I will insert in the RECORD a document prepared by the Republican staff of the Rules Committee comparing the Democrats' awful record of reporting out closed rules in the 110th with last year's record of those controlled by the Republican Congress.

COMPARISON OF 110TH TO 109TH TYPES OF AMENDMENT PROCESSES FOR BILLS CONSIDERED BY THE HOUSE THROUGH JULY 30, 2005 (EXCLUDING MEASURES CONSIDERED BY SUSPENSION OR UC) CURRENT AS OF JULY 30, 2007

		Percent			Percent
109th—Through July 30, 2005:[1]			110th—To Date:		
Open	12	23.1	Open	[2]10	14.1
Modified Open	0	0	Modified Open	7	9.9
Structured	26	50	Structured	26	36.6
Closed	14	26.9	Closed	28	39.4
Total	52	100	Total	71	100
109th—Through July 30, 2005:[1]			110th—To Date:		
Open	[2]12	27.3	Open	[2]10	14.1
Restrictive	40	72.7	Restrictive	61	85.9
Total	52	100	Total	71	100

[1] Through H. Res. 399 adopted on July 29, 2005.
[2] Including approps.

Prepared by the Committee on Rules Republican Staff.

The closed rule that we are debating is also a function of an overall sloppy and rushed approach to handling this particular bill. Because the Democrats' leadership failed to pass this poorly drafted legislation on July 11 under suspension of the rules, after rushing it through the legislative process, they're bringing it back to the floor today with no improvements, just a closed process that chokes off thoughtful debate and provides a reduced hurdle for the number of votes they need to cram it through the House over substantial objections of a number of Members.

This legislation would designate a 25-mile stretch of the Eightmile Wild River as part of the National Park System's National Wild and Scenic Rivers System. To accomplish this, what would otherwise be a noble goal, this legislation includes language that leaves the door open for the Federal Government to use eminent domain to seize private property in this new designation.

This is especially offensive because the stretch of the river where this dispute is taking place is the same congressional district where the Kelo v. New Haven case originally originated, another controversial piece of litigation that recently and correctly sparked a great deal of outrage from property rights advocates all across the country.

I remind my colleagues that many times the Federal Government uses just the threat of condemnation to frighten property owners and to bully them until they become so-called willing sellers. As Members of Congress, it is our duty to protect our constituents from this wanton abuse of power, and we could have done so by making our intent clear in this legislation.

However, rather than making congressional intent clear, the Democrat majority has refused to allow a simple, clarifying amendment that was offered in the Rules Committee last Friday by my good friend and former Rules Committee colleague, ROB BISHOP, to be debated here on the floor today.

Mr. BISHOP's amendment was plain and clear. It simply inserted a sentence in the legislation that Congress would not empower the Federal Government to condemn land and pressure owners into selling. Shockingly, these efforts

were rebuffed by Democrats throughout the process, both on the Natural Resources Committee and on the Rules Committee.

It is still unclear, at least to me, why the majority wants to expose property owners to the threat of eminent domain. The only reasonable conclusion is that they believe that the Federal Government should, and must, confiscate private property.

I believe this is the wrong message to send to property owners, and I'm at a complete loss as to why the Democrat leadership is so fearful of allowing the House to debate openly and to take a vote on a simple clarifying amendment to protect the taxpayers and residents of Connecticut who would be adversely impacted by this legislation. Presumably, it is to protect some of the more vulnerable Members having to take a public stand on whether they believe that property owners deserve this protection or not. This triumph of politics over policy is not only bad for residents of Connecticut along the Eightmile River, I think it's also bad for America.

I strongly oppose this closed rule and the underlying legislation to increase the Government's ability to strip property owners of their land without even providing with the appropriate compensation through heavy-handed big government tactics.

I urge all of my colleagues on both sides of the aisle to join me in standing up for property rights and by opposing this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I would inquire of the gentleman from Texas (Mr. SESSIONS) if he has any remaining speakers.

Mr. SESSIONS. I appreciate the gentlewoman's inquiring about our intent. We have at least two speakers who would wish to speak on this issue at this time.

Ms. CASTOR. Mr. Speaker, I'll reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise today in strong opposition to this completely closed rule for the consideration of the Eightmile Wild and Scenic River Act.

This bill is a controversial one because of the chilling effect it will have on the private property rights of citizens located in the same area affected by the infamous Kelo decision. In Kelo v. City of New London, the Supreme Court gave State and local governments broad authority to seize private property and give it to another private entity under the guise of economic development.

When citizens believe that their land can be snatched up by the government for nearly any reason, then the principle of private property rights becomes meaningless.

The bill before us today will severely restrict the property rights of individuals who happen to live near the Eightmile River by tightening zoning restrictions on private land and prohibiting any physical alteration to private property.

Furthermore, and perhaps most troubling, the bill leaves the door wide open to actual condemnation proceedings against private land.

The majority already tried once to ram this controversial bill through the House without an opportunity for amendments. That attempt, fortunately, failed to garner the two-thirds vote necessary to pass on the suspension calendar. Now the majority is back at it again.

It's bad enough that the majority is bringing this bill back to the floor with no improvements to protect private property rights. However, it is worse that the majority has made the decision to suppress debate on this controversial bill and deny Members the opportunity to correct the land-grabbing provisions with constructive amendments.

Private ownership of property is vital to our freedom and our prosperity and is a basic principle embedded in our Constitution. No one should have to live in fear of the government snatching up their home, farm, church or business.

I introduced legislation earlier this year, the STOPP Act, along with Representative HERSETH SANDLIN to rein in State and local governments' abuses of their eminent domain powers.

Unfortunately, H.R. 986 goes in the opposite direction and sets a precedent for more land-grabbing by government entities. I urge the Members of this body to oppose both this rule, which bans debate on protecting private property rights, as well as the misguided underlying bill.

Ms. CASTOR. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, the bill that is being brought forward today, I believe, is yet another example of the Democrat majority's attack on what I would refer to as constitutional balanced authority in this country. By virtue of bringing this bill forward, it means that what we will be doing is not allowing what I think is a fair process for people dealing with their own private land.

And I'm sure that you'll have lots of people who are my friends who are Democrats say, well, this is so important that we've got to have this land for the interest of all of the people, so we can have this pristine land. But, Mr. Speaker, we're talking about private property. And private property rights are those things under which this country, one of the things that this country is founded under that makes us entirely different than other countries. Other countries, many of them, all around the world, do not extend to their citizens the right for private property.

And so today, once again, what we're seeing is an assault, an attack, using Congress to come and use the powers of the Federal Government against private landowners. I'm sure if their story were being presented today, these private landowners may tell the story about how, for many, many years, I don't know the stories, but how many, many years, being from Texas we could tell the same story, in Connecticut it might be even longer, how people have passed these pieces of property down through generations.

But the fact of the matter is that any time that private property is being taken as a result of a force or a threat, in this case, to make a scenic wilderness area pristine and to preserve that as opposed to a single property owner keeping what they had, making those choices within the law and looking up and seeing the Federal Government staring down at them with all the resources of the Federal Government, knowing that the United States Congress brought this action on them, is regrettable.

It's regrettable that it had to happen this way. It's regrettable that we could not at least, through the Rules Committee, make a simple amendment in order that would say, why don't we clarify that we're not going to force this issue, that we'll hope that some compromise happens, but that we're not going to allow this condemnation.

Not at all. Can't have that kind of debate here.

And this Congress had claimed that we were going to be open and honest, and it would be the most open and honest Congress in the history of the United States Congress.

So that's what's regrettable. That's what's regrettable that here we find ourselves on a Monday at the end of July trying to help the big Federal Government to grab the land from private landowners. And I think that's wrong. I think it's wrong. I think it's wrong for this House to do that without being on record of saying we're not going to sick the Federal Government on these people who might be private landowners.

Mr. Speaker, I will be asking for a recorded vote for the previous question for this rule. And if the previous question fails, I will ask the House to amend the rule to provide for the separate consideration of H.R. 3138, which would amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance.

□ 1745

Our country is facing a very serious problem, and I said this on the floor of the House twice last week, that must be addressed before the House adjourns in August. That means last week we had two weeks to get it done; this week we have one week to get it done. The majority Democrats continue to shirk their responsibilities to keep Americans safe by ignoring the seriousness of this threat.

Mr. Speaker, at this time I would like to yield 11 minutes to the gentlewoman from New Mexico, the ''Land of Enchantment'' (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from Texas for yielding, and I thank him for being here tonight.

I would urge all of my colleagues to defeat the previous question on the rule here tonight.

We now have 4 legislative days before the Congress recesses in August. In the middle of April, the Director of National Intelligence wrote to this body with draft legislation saying we needed to change the Foreign Intelligence Surveillance Act. He wrote a letter to this Congress last week saying that there is an ''intelligence gap.'' We have an intelligence gap, and we need to fix it. He has proposed a much smaller piece of legislation which he sent to the Congress last Friday night, saying it is critical that we fix this problem before the House goes on recess for the month of August.

If the previous question is defeated, we will immediately bring legislation to the floor to solve this intelligence gap.

Technology has outstripped the law in the field of signals intelligence. We are now in the odd situation where we require our intelligence community to go to judges in the Foreign Intelligence Surveillance Court to get warrants on foreigners in foreign countries. This doesn't make any sense, and it wasn't what the Foreign Intelligence Surveillance Act was set up to do. The Foreign Intelligence Surveillance Act was written in 1978 to protect the civil liberties of Americans. It wasn't intended to be a barrier for American intelligence to protect terrorists overseas who are plotting to kill us. But because of changes in technology, that is where we find ourselves today.

The Director of National Intelligence has told us the situation is critical, that we must fix this intelligence gap. And yet for over 3 months now, this Congress has done nothing.

We cannot afford to wait. We must act and fix the Foreign Intelligence Surveillance Act so that we do not require a warrant to listen to foreigners in foreign countries communicating with other foreigners and plotting to kill us.

Mr. Speaker, all of us remember where we were the morning of September 11. We remember whom we were with, what we were wearing, what we had for breakfast. None of us in this room, I would wager, remember where we were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow Airport and blowing them up over the Atlantic. The reason we don't remember it is because it didn't happen. It didn't happen because the British, American, and Pakistani intelligence services detected the plot before it was carried out.

Intelligence is the first line of defense in the war on terror, and our Director of National Intelligence has told us in black and white that we have an intelligence gap, that there are things we should be listening to that we are missing.

It is up to us in this House to act this week to close that intelligence gap and protect the country.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding, Mr. Speaker.

I would just like to inquire of my friend, as she began this explanation of the 1978 Foreign Intelligence Surveillance Act, FISA, as it is called, as we look at where we were in 1978, the way she has just explained it is that if you look at the fact that what we are trying to do is ensure that we can go after foreigners in foreign countries to ensure that we are protected, why in the world would we in any way want to actually restrict our ability to go after foreigners in foreign countries who are terrorists and trying to do us in? We are today restricted because of the existence of the 1978 Foreign Intelligence Surveillance Act from doing that?

Mrs. WILSON of New Mexico. Reclaiming my time, Mr. Speaker, that is the anomaly of the law. In 1978 your telephone was hooked to a wire on a kitchen wall. Blackberries grew on bushes, the Internet didn't exist, and almost all long-haul communications went over the air. They were bounced off satellites. And those are completely excluded from the Foreign Intelligence Surveillance Act because we wanted to protect our ability to collect foreign intelligence, but you were required to have a warrant if you touched a wire in the United States. Almost all short-haul communications were over wires.

Now the situation is completely reversed. The majority of local calls now are over cell phones, 230 million cell phone users. They are all radio, or the equivalent. Almost all long-haul communications, international communications, are now over wires or over fiber-optic cables.

Mr. DREIER. Mr. Speaker, if the gentlewoman would continue to yield, I would like to ask her, if, in fact, Mr. McConnell, the Director of National Intelligence, has used words like we are ''blind'' and ''deaf'' when it comes to our need to try to interdict these communications, and, in fact, we are in a position today where, tragically, because of the Foreign Intelligence Surveillance Act and the fact that it is so antiquated, we are allowing information to slip through and not be, in fact, monitored. Am I correct in concluding that?

Mrs. WILSON of New Mexico. You are correct. We are doing everything we can to collect information overseas. We spy on these guys. We try to find out what they are going to do to stop them before they attack us. But the irony is we are hamstrung here in the United States to collect any foreign intelligence information on any facility, wire, or whatever here in the United States. So you need a warrant.

Mr. DREIER. Mr. Speaker, will the gentlewoman further yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from California.

Mr. DREIER. The reason I am pursuing this, Mr. Speaker, is that we feel very strongly about the need to take action. And the gentlewoman, in her statement, has just talked about the imperative for us to act. Now, we for months, because there has been no legislation forward, we have been working on this notion of saying that on virtually every rule that we bring to the floor, we are seeking to defeat the previous question so that we can finally take some action to ensure that we are going to be able to intercept conversations not taking place in the United States of America but among foreigners in foreign countries who want to kill us.

Am I correct in assuming that?

Mrs. WILSON of New Mexico. That is absolutely correct. And to me, Mr. Speaker, the thing that bothers me most is that for 3 or 4 months now we have been talking and I have been talking to my Democratic colleagues and to leadership here and my colleagues on the Intelligence Committee, and I have begged them to take up this issue, to do it in their own way, figure out their own bill. But for God's sake, let's fix this problem because all of us know that American lives are at risk because this Congress fails to act.

Mr. DREIER. If the gentlewoman would further yield, Mr. Speaker, I know that the goal that Mr. SESSIONS has just put forward here is the one that managers in the minority in the past have, and that is we are urging all of our colleagues to vote ''no'' on the previous question so that we will be able to take the very thoughtful piece of legislation that the gentlewoman from New Mexico has introduced and make that in order. After delaying for months and months and months, after these warnings that have come not only from Mike McConnell, the Director of National Intelligence, but from the Secretary of Homeland Security, Secretary Chertoff, who has talked about the fact that the chatter level is unusually high, and we all know that he said that rather famously in an interview before the editorial board of the Chicago Tribune, so we have continued to receive these warnings; yet because of the fact that this Congress has failed to act on our need to update that nearly 30-year-old law when we have seen such dramatic changes take place in technology over the past three decades, we have been forced to this position where we have to continually try to urge our colleagues to defeat the previous question so that we can make this legislation in order.

Mrs. WILSON of New Mexico. Reclaiming my time, Mr. Speaker, that is the circumstance in which we find ourselves, and it is a tragic one because I

think people ignore problems until there is a crisis and then they say, Why didn't you do something? Why didn't you fix it when you knew there was a problem?

I pray that we will never have to have another 9/11 Commission. We passed a 9/11 Commission bill last week that had the remaining elements of pieces of legislation we have been working on for 5 years, and in it we didn't take care of the most pressing problem that is squarely in our lap, which is that we know that technology has outpaced the law. Now, there have been amendments to the Foreign Intelligence Surveillance law since 1978, but the basic structure of the law and the problem has not changed, which is if you touch a wire in the United States, you have got to get a warrant. That is the irony here.

We are taking tremendous risks overseas to keep this country safe and to spy on our enemies. But we are tying our hands when we own the infrastructure. They are using the communications systems that we built, as the greatest country in the world, to plot and plan and target to kill us, and this body will do nothing about it.

We have 4 days, 4 days, until we are out of town for another month, another month being deaf and blind in a time of heightened threat.

I would ask my colleagues to defeat the previous question on the rule, to vote ''no'' on the previous question on the rule, and to immediately take up this critical piece of legislation so that we can protect this country.

Ms. CASTOR. At this time, Mr. Speaker, I will reserve the balance of my time until the gentleman from Texas has made his closing statement.

Mr. SESSIONS. By prior agreement, I will close at this time, and I thank the gentlewoman.

Mr. Speaker, if the Rules Committee wants to spend special time on the House floor debating these closed rules, I believe that we can do better than the Eightmile Wild and Scenic Rivers Act.

However, for some reason this Democrat leadership cannot seem to find time to schedule consideration of legislation that was just spoken about by the gentlewoman from New Mexico and the gentleman from California that clarifies one very specific thing, and that is that the United States Government will no longer be required to get a warrant to listen to foreign terrorists who are not even located in the United States of America.

Once again, Mr. Speaker, we have got time to pick on private landowners and to take their land by the use and force of the Federal Government, but we don't have time to schedule legislation to come and protect this country. Utterly incredible.

The Director of the National Intelligence, Michael McConnell and the Director of the CIA, Michael Hayden, have testified to this Congress that under current law their hands are tied. They are giving this body notice: we cannot do this under the law. And as Director McConnell testified, FISA is outdated and has been made obsolete by technology.

Today, once again, the Republicans are asking for us to support the intelligence community because they are forced to obtain warrants to listen to terrorists outside of our Nation, and as a result, and this is a quote, ''We are actually missing a significant portion of what we should be getting,'' directly from the Director of Central Intelligence.

This Congress has known about it for months. Republicans were on the floor last week. We are on the floor again this week. We are saying we are getting ready to go on break, we need to protect this country, we need to pass the law. We are asking the Democrat leadership once again if you have got time for this bill that is about a river, you certainly should have time to protect this country when our intelligence people are saying we need it. We have been saying for months we need it. The Republicans are on the floor today again to say there are 5 days left and then we will be on vacation.

□ 1800

Are they going to say to the American people and to the intelligence community, ''Too bad, we didn't have time to do that?''

If my colleagues on the other side of the aisle are serious about facing down this threat, Mr. Speaker, they should come and join us. They should join us in defeating the previous question so that the House will be able to then address this issue since the Democrat leadership won't.

Don't hide behind something that deals with Republican or Democrat, and do the right thing for the country. This is a very real and a very serious threat.

Mr. Speaker, I ask unanimous consent to include my amendment and extraneous material in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I am pleased to return the debate to the matter on the floor.

The Eightmile Wild and Scenic River Act sponsored by my colleague, Congressman JOE COURTNEY of Connecticut, which designates certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

Mr. Speaker, how fortunate we are to live in such a beautiful country; spacious skies, amber waves of grain, purple mountain's majesty, and the Eightmile Wild and Scenic River corridor.

Despite the protestations from the other side of the aisle, it has been the communities and the residents of this area that have worked on this designation for 10 years or more. And so I congratulate them today. And I salute the leadership of Congressman JOE COURTNEY, who brought a new energy and commitment to this effort, and I thank Natural Resources Committee Chair NICK RAHALL for his leadership.

This is a noncontroversial bill. It was reported favorably by the Natural Resources Committee by a voice vote in May. It received the strong bipartisan support of the House, over 235 Members on July 11. Mr. Speaker, the Eightmile River is a national treasure, and we must do all that we can to preserve it.

This bill enjoys bipartisan support. A majority of the Members of this House have voted for it, and we're going to vote for it again. I urge my colleagues to support this rule and the important Eightmile Wild and Scenic River Act.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 580

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said:

''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2831, LILLY LEDBETTER FAIR PAY ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 579

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2831 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SALAZAR). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 579 provides for the consideration of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, under a closed rule.

The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI.

Mr. Speaker, I rise in strong support of this rule and the underlying legislation, the Lilly Ledbetter Fair Pay Act. This legislation can be summed up in one word, ''fairness.'' And what better summarizes the idea of fairness than equal pay for equal work.

We've all heard it; we've all said it in speeches, but right now we have a real opportunity to make it happen. I wish we did not have to be here today, but the shortsighted and unfortunate recent Supreme Court ruling has forced us to revisit this painful issue from our Nation's past.

Lilly Ledbetter spent 19 years of her life working at the Goodyear Tire and Rubber Company in its Gadsden, Alabama plant. What she did not know for most of that time was that she had been subjected to systematic pay discrimination over the course of 15 years simply because she is a woman. By the time of her retirement, she was earning $45,000 a year. The lowest paid male supervisor at the plant was making $6,500 a year more.

As the case of Lilly Ledbetter clearly shows, there is still discrimination in the workplace, and it is our responsibility and it is our duty to ensure that every worker in this Nation receives fair compensation for their work.

We had a bipartisan solution to this problem, known as title VII of the Civil Rights Act of 1964. While this legislation was groundbreaking and certainly was a giant step forward for our workers, there was clearly a hole in the law, and that is what we are filling today.

Lilly Ledbetter proved her case. A jury found that she had been discriminated against and awarded her the back pay she should have received, attempting to fulfill the purpose of title VII, to make her whole and to discourage other employers from discriminating in the future. But those goals were thwarted by a 5–4 Supreme Court decision earlier this year. The Court held that in order to recover the back wages she was owed, Lilly Ledbetter needed to file a complaint at the time the discrimination began, even though she did not become aware of it until more than a decade later. What we are doing is reclaiming the original purpose, the legislative intent of title VII, which unfortunately the Supreme Court, in one fell swoop, completely, outrageously undermined.

Their decision was as if to say that because Lilly Ledbetter didn't know she was being treated unfairly, that therefore she was not being treated unfairly. This was, of course, irrespective of the fact that the Court and those of us here in this Chamber unequivocally know Lilly Ledbetter suffered the consequences of discrimination throughout the course of her life and her career.

Mr. Speaker, Lilly Ledbetter joined the workforce and worked hard, assuming that she would receive fair compensation for her efforts. But her story and the stories of countless others is not one of fairness or justice.

I will not retell her story because I think we have all heard it and we all understand that she was wronged. Instead, I will share with you some of her testimony before the House Education and Labor Committee in June. And although I was not there to hear her speak, you can feel the passion of someone who knows she was wronged. These are the words of Lilly Ledbetter, and I quote: ''What happened to me is not only an insult to my dignity, but had real consequences for my ability to care for my family. Every paycheck I received I got less than what I was entitled to under the law. The Supreme Court said that this didn't count as illegal discrimination, but it sure feels

like illegal discrimination when you are on the receiving end of that smaller paycheck and trying to support your family with less money than the men are getting for doing the same job.''

Mr. Speaker, what happened to Lilly Ledbetter should not have happened, and today we have an opportunity to make sure it will never happen again.

You know, Mr. Speaker, Lilly Ledbetter could be bitter and angry, and most certainly she has every right to be. But instead, her concern is about what will happen in the future.

And let me quote her again: ''My case is over, and it is too bad that the Supreme Court decided the way it did. I hope, though, that Congress won't let this happen to anyone else. I would feel that this long fight was worthwhile if at least at the end of it I knew that I played a part in getting the law fixed so that it could provide real protection to real people in the real world.''

Lilly Ledbetter's concern is with those workers who come after her who, just like her, will work hard at their jobs and assume that they are receiving equal pay for equal work. This is not something that they should have to hope for; it is something they deserve and are owed under the law. And this Congress owes these workers and their families, because last November they voted for change because they were tired of the economic injustices that people like Lilly Ledbetter had suffered.

Mr. Speaker, the American people expect their government to stand up for fairness and justice. And for this reason, let me say how disappointed I am in our President, who has said he will veto this legislation if it comes to his desk. This is a President who, time and time again, stands up before audiences and claims that he is against discrimination in all forms, yet now we get this threat.

If this Congress is truly committed to ending discrimination in this Nation, we cannot let this President have the final word. If he vetoes this bill for fairness and justice, I hope that this Congress will stand up and overturn his pen stroke that strikes at the heart of what makes this Nation great.

Mr. Speaker, the Lilly Ledbetter Fair Pay Act is not only about changing the way we treat our working men and women; it's about paying rent, putting food on the table, and paying for our children to go to college. For this to happen, we must return to the roots of a Nation and what has made us great and moved us forward in times of strife. Fairness has been at the heart of all that makes America strong, and this Congress cannot turn away from that.

For Lilly Ledbetter and all the workers who simply want to earn a fair wage for the hard work that they do do for their families and for justice, let's pass this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking my good friend from Worcester for yielding me the customary 30 minutes. And I rise in strong opposition to the rule and the underlying legislation.

Mr. Speaker, discrimination is wrong. And I, and my colleagues on both sides of the aisle, are horrified, absolutely horrified at the thought of discrimination taking place. And like Lilly Ledbetter, we want to ensure, as she very selflessly said, that as we look to future instances of potential discrimination, that no one is ever treated as she was.

□ 1815

But I will say that this rule and the underlying legislation are a very, very bad signal in our attempt to address this question.

From a substantive point, this bill is only the most recent salvo in the Democratic majority's assault on entrepreneurship and the competitiveness of the U.S. economy. From a process standpoint, this bill continues their assault on this institution and, by virtue of that, the rights of the American people.

After a campaign last November that was founded on a commitment to openness, deliberativeness and responsible legislating, this bill and the process by which it has been addressed are just another example, another addition to the ever-growing list of broken promises that have been made to the American people.

In crafting the underlying bill, the Democratic leadership all but abandoned the committee process itself. It shunned the input of experts, raced to bring their shoddy, sloppy work to the House floor, and shut down, by virtue of what we are doing, any possibility of meaningful debate by denying any amendments whatsoever.

Mr. Speaker, the most unfortunate part is that far from being an anomaly, this process, as was evidenced by the last rule that we just debated, is emblematic of what this Democratic majority has been doing.

Now, as my friend, the gentleman from Dallas (Mr. SESSIONS), said in management of the last rule that was just before us, the Democratic majority has considered twice as many measures under closed rules as the Republican had by this point, July 30, in the last Congress.

I say that because we, as Republicans, were constantly maligned and berated because we had closed rules. Yes, we did have closed rules. Some were warranted. Do you know what, Mr. Speaker? We may have overreached in some of the closed rules that we had. But I find it very interesting that as we saw that level of criticism leveled at the Republican majority, a promise was made to the American people that there would be greater openness and opportunity for more deliberation and a degree of accountability the likes of which did not exist when Republicans were in charge.

What is it that has happened, Mr. Speaker? We now have twice as many closed rules as we had at this point, July 30, at the beginning of the last Congress.

This rule seems to keep up that new philosophy that the Democratic majority has articulated more than once last week in the Rules Committee. The statement was as follows: if you don't support the bill, you shouldn't be given the opportunity to amend it. If you don't support the bill, you shouldn't be given an opportunity to amend it. That is what has regularly been propounded by our colleagues upstairs in the Rules Committee.

Apparently, you have to be a ''yes man'' if you want to have an opportunity to be heard or participate in the legislative process. You have to make an absolute commitment that you are going to support the legislation if you want to have a chance to improve it. That is exactly what happened in an exchange with the distinguished former chairman of the Education and Labor Committee, the now ranking member, my California colleague, Mr. MCKEON.

Of course, they tried to conceal their bad policy and sloppy work by claiming this bill is about ending discrimination in the workplace. As I said, we all want to ensure that we end discrimination in the workplace. We are all horrified by any instance of discrimination in the workplace. They claim that it is about righting wrongs, that the Supreme Court overturned long-settled protections in the Ledbetter case and that this bill simply restores the proper legal precedent.

Well, Mr. Speaker, those claims are patently false. This bill would introduce utter chaos into the courts. Utter chaos. It is so vaguely and so poorly constructed that it would open the floodgates of dubious, dubious claims and frivolous lawsuits.

The distinguished ranking member of the Education and Labor Committee simply tried again to offer an amendment that would have dealt with this vagueness and that would have addressed the sloppy assembly of this legislation. And because he didn't make a commitment that he would support the legislation at the end of the day, he was denied, as was every other Member who wanted to have an opportunity to amend the legislation, they were denied a chance to do that.

The result of what it is that they are doing would be to obfuscate real cases of discrimination. Again, we want to ensure that any instance of discrimination is addressed. But what they are doing here, Mr. Speaker, would obfuscate real cases of discrimination and cripple business owners, who are the job creators in our economy.

Now, this may be a trial lawyer's dream, but it would be a nightmare for any small business owner, not to mention anyone with a legitimate case of workplace discrimination.

Again, we want anyone who has a legitimate case of workplace discrimination to be able to come forward and to

address that grievance. Obviously, preventing discrimination and punishing it when it happens are critical goals of our labor laws. We all share a commitment to combating discriminatory treatment of any worker. It is precisely with this goal in mind that our laws have been designed to deal with discrimination in a timely and expeditious way. No one benefits when we allow violations to continue on indefinitely with a completely open-ended potential for years or decades to go by before the issue is addressed.

Virtually no statute of limitations at all is the potential problem with this legislation. By the same token, Mr. Speaker, we have to guard against an unlimited window for the introduction of those claims. As I said, frivolous, unfounded complaints are already a huge drain and take focus away from the very legitimate and important cases that are out there.

Mr. Speaker, the Equal Employment Opportunity Commission found reasonable cause last year in a mere 5.3 percent of the 75,000 complaints it received. Again, I believe that Lilly Ledbetter was absolutely right when she talked about the need to ensure that those who face discrimination in the future, in fact, do have an opportunity to have their wrong righted.

The EEOC, by its own numbers, receives 20 times as many unreasonable complaints as legitimate claims. Let me say that again: the Equal Employment Opportunity Commission has stated that they receive 20 times as many unreasonable complaints as legitimate claims. Furthermore, it found absolutely no cause whatsoever in over 60 percent of the cases that have been brought forward. This means that a large majority of its work is already wasted in investigating entirely unfounded complaints.

Now, Mr. Speaker, the tragic thing is that with this legislation, the waste and abuse will increase exponentially. We have already seen the impact of frivolous lawsuits on competitiveness of American entrepreneurs and business owners. I am sure we have all read about the District of Columbia, the D.C. ''pants suit,'' the family-owned dry cleaner that faced a $67 million lawsuit over a pair of pants. That family has been nearly ruined by hundreds of thousands of dollars in legal bills, even though they won their case. This is the ultimate nightmare for any business owner, let alone the small family-run business that bolsters our economy and our communities, as well.

Mr. Speaker, this bill protects neither those who suffer from discrimination nor the innocent who are wrongly accused. Furthermore, the claim that long-held and long-settled legal precedent was reversed by the Ledbetter ruling is utterly spurious. The very plaintiff, the alleged victim in this case, Mrs. Ledbetter, asserted her case based in part on the wildly disparate rulings on the legal matter at issue in her lawsuit. Her attorneys argued to the Supreme Court that there was ''considerable conflict and confusion.'' Again, in arguing on her behalf before the United States Supreme Court, her attorney said that there was ''considerable conflict and confusion.''

Mr. Speaker, what is more, this legislation goes far beyond the limited scope of the Ledbetter case, far beyond that case. While that case dealt solely with the issue of intentional discrimination, the underlying bill expressly removes this distinction and in fact opens the floodgates on nonintentional disparate impact discrimination cases as well. The bill's authors admit as much in their own committee report.

So, Mr. Speaker, when the Democratic majority claims this bill simply restores the precedent that was reversed by the Supreme Court, they are wrong. When they claim this bill will give greater protection to those who suffer from workplace discrimination, they are wrong.

This bill is wildly ill conceived, based on specious claims. It would turn discrimination litigation into the Wild West of jurisprudence. It would inflict irreparable harm on countless businesses and take precious resources away from real cases of discrimination.

I will say again, Mr. Speaker, we want to do everything that we can to ensure that everyone who is victimized has their opportunity to be heard. But this legislation would take the resources to allow that to happen away from those who really face discrimination.

Unfortunately, but predictably, this is the kind of bad policy that inevitably comes from bad process. By irresponsibly and hastily throwing this legislation together, the Democratic majority has concocted a bill that would accomplish none of what they claim it will. Instead, it would unleash a flood of unintended consequences that will hurt the very people they purport to help. They will be hurting the workers of this country. They will be hurting the people that they purport to help. Once again, that sloppy work has produced very, very dangerous policy.

Mr. Speaker, I am going to urge my colleagues to oppose this rule, and, just as was the case in the last measure, I am going to, as Mr. SESSIONS did, encourage a ''no'' vote on the previous question. Why? So that we will be able to do something that I know they will argue, as Ms. CASTOR did when we were debating the last rule, is completely unrelated.

What it is we are going to offer if we are able to defeat the previous question is a chance for us to take steps to ensure that terrorists do not have the tools to kill Americans. By that, I mean we are hoping, if we can defeat the previous question, to ensure that the very thoughtful legislation that has been introduced by our colleague from New Mexico (Mrs. WILSON) will be able to be considered.

What does that do? It finally gives us a chance to modernize the nearly three-decade-old, very antiquated Foreign Intelligence Surveillance Act. We have seen such tremendous, tremendous changes in technology. On a daily basis we see that. We all know about those changes. Moore's Law made it very clear that you see in a 6-month period all kinds of equipment being outdated and antiquated.

Well, Mr. Speaker, we have seen terrorists have the ability to take advantage of the tremendous changes, and all we are asking is that the recommendations that have been put forward by the Director of National Intelligence, Mike McConnell, by the Director of the CIA, Mike Hayden, by the Secretary of Homeland Security, Michael Chertoff, that we see a chance for the concerns that they have understandably raised on the inability to make sure that we can monitor the actions of foreigners in foreign countries, that we have the ability to do that. That is all we are asking.

I am going to urge my colleagues to defeat the previous question, Mr. Speaker, so we will be able to make that in order, and to ensure that as we look at this legislative process and move forward, that we don't continue with this very, very dangerous pattern that we have had.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me just say in response to the gentleman from California's remarks, that obviously we disagree on the importance of this legislation. Many of us on this side, I hope all of us on this side, and a good number of Members on that side, believe this is serious, a serious bill and a very important bill, and that the issue of discrimination is something we cannot tolerate under any circumstances.

The gentleman mentions the promises that the Democrats made when they campaigned in the last election. One of those promises was that we would combat discrimination wherever it existed. That is what we are doing here today.

We think it is wrong that women get paid less than men for doing the same job.

□ 1830

The gentleman says this bill is an assault on entrepreneurship. Equal pay for equal work is an assault on entrepreneurship?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I never said that equal pay for equal work is an assault on entrepreneurship. What I said is that this legislation would create an open-ended prospect for frivolous lawsuits and undermines the ability of entrepreneurs to be able to succeed and create jobs and ensure the future of our economy.

I thank the gentleman for yielding.

Mr. MCGOVERN. I thank the gentleman for his clarification, but the underlying point of this bill is to make sure that there are no more cases like Lilly Ledbetter's case. With almost every piece of legislation that deals with civil rights, the other side always trots out this litigation argument. There will be more lawsuits and more lawsuits and more lawsuits.

We hear the lawsuit in D.C. brought up about this man who is suing a dry cleaners for losing his pants. To the best of my knowledge, that has nothing to do with discrimination. I agree with the gentleman that that is a frivolous lawsuit, but to bring that case up in the context of what we are debating here, which is the civil rights and the equal rights and the equal pay protections for women in this country, I don't think is appropriate, quite frankly.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend. I am really confused with the argument that has just been propounded because the gentleman says every time there is a concern, we bring up the issue of frivolous lawsuits, and the gentleman has just talked about one of the worst cases of a frivolous lawsuit, the $57 million case that was brought against a small business owner. That is a problem.

Mr. MCGOVERN. Reclaiming my time, I guess my confusion was you are bringing up that case in the context of the debate we are having here today with regard to equal pay for equal work.

I should also point out to the gentleman that the CBO expects that this bill would not significantly affect the number of filings with the Equal Employment Opportunity Commission. That appears in the report on the bill.

Again, I say to my colleagues that this issue is very simple. This is about combating discrimination. This is about fairness, and this is the way to do it, and this is the opportunity to do it.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding and agree with his sentiments.

Mr. Speaker, I am rising now in full support of the rule and of the underlying bill, H.R. 2831. As chairman of the Democratic Women's Working Group, I am proud of how quickly this Congress is responding to a clear misinterpretation of a law designed to protect individuals from gender discrimination.

It has taken us many years to reach a point where Congress now no longer wastes time in correcting an inequity when discrimination against women occurs. This is a real achievement.

The bill before us rightly recognizes that victims of pay discrimination should not be punished because they were not aware of the discrimination against them at the outset. The Civil Rights Act exists to protect individuals precisely when they find themselves in the situation Lilly Ledbetter found herself in. It was never meant to be interpreted in a way that provides a loophole for employers to discriminate, but just to make sure that their employees are kept in the dark for 6 months.

The Supreme Court ruling, if left to its own, signals to employers that it's, that is why it is so important that we now carry out our responsibility here in the Congress to provide a check and a balance against the Court's ruling.

I want to thank Lilly Ledbetter for her courageous zeal in carrying out her efforts to get this injustice corrected. I was impressed when I met her. She came to testify on Capitol Hill, testify before the committee. She knows that this law that we are about to pass will not necessarily rectify her situation. But she knows also, having experienced this inequity over so many years and carrying out her job so faithfully, she got nothing but excellent reports and discovered, as she went to retire, that she had been getting unequal pay all these years. So I commend my colleague from California, Chairman MILLER. I think it is so important that we carry out her determination on behalf of her workplace and the women that she represents who are so often sitting in the same situation as she did, finding themselves at their retirement, the fact that they were given unequal pay over all the years. They just didn't know what their colleagues were receiving.

So I support Chairman MILLER and the committee as a whole for being such strong protectors of workers' rights, regardless of race, gender or disability. I urge my colleagues to vote ''yes'' for the rule and the bill, the Lilly Ledbetter Fair Pay Act.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I would like to join with my colleague from Santa Barbara in saying that we are absolutely committed to doing every that we possibly can to ensure that there is no case of discrimination when it comes to the issue of equal pay for equal work. Obviously we want to do everything possible to make sure that someone like Ms. Ledbetter, who I believe was wronged, does not face this kind of difficulty in the future. That is exactly what Ms. Ledbetter said she wants to have happen.

The problem is this bill has been so poorly put together it creates the potential to actually impinge on the ability of people to bring cases forward. While my friend from Worcester talked about the issue of the Congressional Budget Office's analysis and the lack of an increase in cases, if you look at the mere fact that the Equal Employment Opportunity Commission has said that 60 percent of their cases do not warrant even moving forward, and that is why this creates the potential for even more of these horrible cases, based on the arguments that have been brought forward.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Dallas (Mr. SESSIONS), my hardworking colleague on the Rules Committee.

Mr. SESSIONS. Mr. Speaker, as I was preparing to come down here just a minute ago, I was met by one of my colleagues, the gentleman from Florida who said: Another closed rule? My gosh, I thought they said this was going to be an open Congress. I thought they said we are going to have closed rules only to get their political agenda, 6 in '06 done, and then we will quit that.

Well, to the gentleman from Florida (Mr. KELLER), another closed rule. However, this closed rule is just another manifestation of the new Democratic majority's philosophy. Just another one. And that is, if you can't support the bill in its current form, you shouldn't be given an amendment. That is the new philosophy at the Rules Committee. Democrats on the Rules Committee said at least twice last week that Members who are not willing to vote for the bill should not be allowed to offer amendments.

I would like to quote one of my colleagues. This took place this last week, and it says, the gentleman from Florida (Mr. HASTINGS), ''I will argue for a closed rule. It makes no sense to have the minority presenting anything they might improve, that they might have agreed upon, and at the end not vote for the bill.''

Hello? What's the Rules Committee for? The Rules Committee is there to perfect bills, to make them better, to listen to input from Members of Congress. Yes, that does include the minority in my opinion, but that is only upon 9 years of service to the Rules Committee, where the Rules Committee, for the 9 years prior to this, we were very careful to make sure that minority members had a say, could come before the Rules Committee. This is yet another example of the circular logic used by the majority. And it is only when you support a bill should you have the opportunity to amend it.

You know, this is tortured logic and it makes no sense, and it prevents good ideas from being considered by the House. But this is the way they are going to run the House, it seems like. New logic, move the goalposts. And make sure, if you are in the minority and if you don't completely agree with the Democrat majority, you have no need to come to the Rules Committee. We don't care, and you are not going to have a chance to even be heard or understood. It's a sad day.

Mr. MCGOVERN. Mr. Speaker, we hear a lot from the other side about how nobody supports what happened to Lilly Ledbetter, yet it was this Republican President's Solicitor General who argued against Lilly Ledbetter in the Supreme Court. For all of the years I can remember that the Republicans were in the majority in Congress, I don't remember any groundbreaking equal pay for equal work legislation

being brought to the floor to deal with these kinds of issues.

So we can talk all we want about the need to eliminate discrimination in the workforce against women, but unless we back those statements up with our votes on legislation that will change that, then those words ring hollow.

Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. KENNEDY) 3 minutes.

Mr. KENNEDY. Mr. Speaker, I thank the gentleman from Massachusetts.

I think it is interesting to hear all these protestations from my colleagues on the Republican side about this issue of civil rights and how they are so concerned about equal rights for women. They are so concerned about equal pay for equal work, that if it were up to them, they would do something about it, that they care just as much as Democrats.

Yet it was the Republican President who nominated the Supreme Court, who stacked the Supreme Court of the United States with conservative, right-wing Republican ideological judges that handed down not only the Ledbetter decision, but has handed down decision after decision that has gone against working people and civil rights every step of the way. This is no mistake. This is just the agenda that the Republicans wanted.

You voted for President Bush, so don't come on down here and say but we didn't mean to. And by the way, you also cut the Equal Employment Opportunity Commission when you were in charge of this place, so don't come over here and now say you protest women not getting paid equally.

And for a fact, if there were a flood of lawsuits, there would be every reason for there to be a flood of lawsuits, Mr. DREIER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. KENNEDY. The facts being what they are, the Department of Labor says, as a fact today, 76 cents on the dollar today is paid for the same hourly work for a woman as for a dollar that a man works. For every dollar a man earns, 76 cents is what a woman earns. That is a fact. If you don't believe that, go to the Census Bureau, go to the Department of Labor and ask for yourself.

For my sake, I don't want to go home and tell my mother that she is only worth 76 cents for a dollar a man is worth. I don't want to go back to my sister and tell her she is only worth 76 cents what my brother and I are worth. I don't want to go to my daughters some day and say they are only worth 76 cents versus a dollar what a man is worth when they go to work for equal time served.

If you are happy being opposed to this bill, H.R. 2831, and you are happy living with yourselves and living in the same home as your female family members, knowing that and living with yourselves, God bless you. I'm not happy with it. I couldn't live with myself.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. DREIER. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 11½ minutes. The gentleman from Massachusetts has 13½ minutes.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I put this in the present context so that our colleagues can recognize why this bill is so crucial?

Just about a week ago, many of us took to our communities to announce the first time in 10 years the increase in the minimum wage. In fact, it was July 24, 2007. The last time the minimum wage was increased for American workers, and by the way, we gave tax relief to our small businesses, was 1997 under the Democratic administration. It took a Democratic Congress to raise the minimum wage. For 10 years, we could not get our friends on the other side of the aisle to raise the minimum wage. It took a majority Democratic Congress to raise that wage.

□ 1845

Now, understand, suppose 23 years later you found out that the minimum wage was raised in 2007, but your employer had never told you. The question becomes, is it not fair for you to be able to have retroactively what is due you as a hardworking American?

That is what happened to Lilly Ledbetter, who worked for Goodyear year after year after year after year after year, and tragically, the Supreme Court, unevenly divided, appointed by this administration, believed that Lilly Ledbetter had no rights.

This legislation wants to put this system on the right track, and I thank the distinguished member of the Rules Committee; I thank Mr. MILLER. I'm proud to be one of the cosponsors of this legislation. We are giving Lilly Ledbetter and all those who may be under her particular discrimination relief, and that is because she did not know of her rights to be able to pursue the discriminatory practices when they were happening. The Supreme Court threw her out of court.

This is an appropriate fix. My colleagues fixed a problem with the Border Patrol agents. I happen to agree with them. Mandatory sentences are really a challenge, but we're trying to fix something for a hardworking American, a woman who was discriminated against.

Under our labor practices, we have provisions for individuals to challenge unfair labor practices. We have an Equal Employment Opportunity Commission that is for our own Americans to address unfair and discriminatory practices. We do not own up to the values of this Nation if we do not correct an injustice. It was an injustice for Lilly Ledbetter not to be allowed to pursue her discrimination charge.

I ask my colleagues to make it right and help women get equal pay for equal work.

Mr. DREIER. Mr. Speaker, I'm happy to yield 3½ minutes to my very thoughtful colleague from Orlando (Mr. KELLER).

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding, and I will begin by yielding to the gentleman from New York (Mr. WALSH).

Mr. WALSH of New York. Mr. Speaker, I thank the gentleman for yielding. I'd just like to sort of maybe refresh.

There's a lot of demagoguery going on here today. I'd like to refresh my colleagues' memory in that the Civil Rights Act was passed in 1964. The Republicans became the majority party in this country in 1994. Where were you for 30 years? There's plenty of blame to be passed around, but please take responsibility for your own.

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding, and, Mr. Speaker, I rise to oppose this closed rule and the underlying legislation.

When the Democrats went through their 6 for '06 agenda and gave us closed rule after closed rule, they told us it would be temporary; we would then have a fair process to amend bills and clarify them. It hasn't happened.

Today is the 28th time the Democrats have given us a closed rule, literally twice as many as Republicans during the same time period. We had two amendments that we wanted to offer that would improve and clarify the bill. We had no chance to do so.

Next, let me talk about the substance of the bill. This legislation has the practical effect of doing away with statutes of limitations in employment cases. On May 29, 2007, the U.S. Supreme Court ruled that Ms. Ledbetter's claim was barred by the statute of limitations. This legislation attempts to specifically reverse that decision and, in fact, makes it retroactive to the day before the decision on May 28, 2007.

Make no mistake, there is a strong public policy reason for having a statute of limitations in the employment context. Witness memories fade, documents are lost and employees die. We want these disputes to be resolved when witness memories are fresh, documents are available and employees are alive.

The Ledbetter case is a perfect example. Ms. Ledbetter alleged sexual harassment misconduct by a single Goodyear supervisor. Yet she waited 19 years after the supervisor passed away from cancer to file suit. She said at the

hearing, ''I didn't say anything at first because I wanted to try to work it out and fit in without making waves.''

Now, she seemed like a nice lady to me. I had the chance to meet her, but I wonder what her supervisor would have said had she brought this suit when it was fresh so we could hear both sides.

The Supreme Court wondered the same thing. The Supreme Court wrote in its Ledbetter opinion: ''The passage of time may seriously diminish the ability of the parties and the fact-finder to reconstruct what actually happened. This case illustrates the problems created by tardy lawsuits.''

We hear about equal pay for equal work. We're all for that, Mr. Speaker. The fact is those folks haven't read this opinion because she had an Equal Pay Act that was thrown out on the merits.

Mr. MCGOVERN. Mr. Speaker, I just want to respond to the gentleman from New York (Mr. WALSH) who spoke before and wanted to know where the Democrats were on this issue. We didn't know we had a problem until George Bush's Supreme Court made this awful decision on this case, and now what we're trying to do today is fix it. We thought, quite frankly, that reasonable judges, rational judges, would interpret the law accordingly and believe that the discrimination against women who were being paid less than men was, in fact, wrong. And so here we are today to try to fix this mess.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, it's my privilege and honor to speak on behalf of this bill.

The New York Times and many of the other leading publications of this country has said this is something that this Congress needs to do to correct an inequity, a wrong. When there's a wrong in law, there's always a right; and when it's not one that the courts have righted, it's the duty of the legislative body to right it if it's something that's in the public good.

Indeed, when there's discrimination in the workplace in pay and disparity, as there has been for years with women, for years we've known 69 cents is what a woman earns for every dollar, and when women are discriminated against doing the same job as a male, it's wrong and it needs to be changed.

And so I think this legislation is appropriately brought before us to correct a wrong when the courts didn't, and I'm pleased to speak on behalf of it. I will be pleased to vote for it, and I am thankful that Mr. MILLER and Mr. MCGOVERN brought this and thank them for bringing it to the House of Representatives.

Mr. DREIER. Mr. Speaker, I'm very happy to yield 3 minutes to my very good friend from Santa Clarita, California, the former chairman, the distinguished ranking minority member of the Committee on Education and Labor (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding, and I rise in opposition to this rule.

Last Thursday night, Members received notice of an emergency meeting of the Rules Committee on the following morning, with no deadline given for Members on either side of the aisle to submit amendments to this badly flawed legislation. Even though I was able to file two of them because they had already been drafted for an Education and Labor Committee markup last month, this extremely short notice and lack of amendment instructions effectively shut both Democrat and Republican colleagues out of the Rules Committee's increasingly undemocratic process.

I say increasingly undemocratic because last Thursday night and Friday morning's turn of events was just one of several occasions this year in which I've found the Rules Committee acted in a wholly unfair manner.

For example, in my first appearance before the committee this year, before the House considered the minimum wage legislation, I was told by the panel's Chair that the Democrat leadership had already decided the rule would be closed. Again, this was announced before I had even testified before the committee on my substitute for that bill.

There was also an occasion several months later, prior to consideration of student aid legislation through the budget reconciliation process, when the Rules Committee announced the bill's amendment filing deadline would fall during the Independence Day district work period. In other words, this deadline fell when Members were absent and staff was scattered, making amendments extremely difficult to file.

So last Thursday and Friday's ''emergency'' was hardly surprising, yet still very disappointing. It rendered nearly 400 Members of this House, meaning those who do not sit on the Education and Labor Committee, powerless to change or even consider a change to this bill. And by doing so, the Democrat leadership of the Rules Committee, and yes the Democrat leadership of the Education and Labor Committee and the House, has done a disservice to this institution and to the voters who sent us here.

That's because the measure before us is not a minor tweak of labor law meant to reverse a single Supreme Court decision. Rather, it guts the statute of limitations and Equal Employment Opportunity Commission charging requirements contained in current law. And it effectively would allow an employee to bring a claim against an employer decades after an alleged initial act of discrimination occurred. Such a wholesale change should be made only after close, appropriate and deliberative examination.

But H.R. 2831 has been exposed to none of that. Rather, it was poorly drafted, rushed through committee with practically no input from outside stakeholders or from committee Republicans and, now, sent to the floor under an airtight, closed rule.

Because of this, Mr. Speaker, I have no choice but to continue my opposition to it, both for policy and process reasons. Shortly, I will be proud to manage time in opposition to it, but before then, I will vote against this undemocratic rule, and I urge my colleagues to do the same.

Mr. MCGOVERN. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 8 minutes. The gentleman from California has 5½ minutes.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his outstanding work on this issue and many others. I rise in strong support of the rule for H.R. 2831.

In the Ledbetter case, the Supreme Court has outdone itself. Against reason, against logic, against fairness, they ruled that women must file their claim a scant 180 days from the date on which their salary first became unequal. In a world where most workers do not know what their colleagues are earning, the 180-day rule is an insurmountable barrier with terrible consequences. Miss the deadline and you're stuck with discrimination for the rest of your career.

What's more, since raises are often based on a percentage of pay, small differences magnify over time. Under the Supreme Court's twisted reasoning, employees cannot contest this growing disparity if they don't protest at the beginning.

This bill restores reason, logic and fairness to the process. Every unequal paycheck ought to be recognized for what it is, a new act of discrimination.

I urge my colleagues to support this rule and to support the fair underlying bill. I congratulate the Democratic leadership for coming forward with it, and I urge my colleagues to vote for this rule.

Mr. DREIER. Mr. Speaker, may I inquire of my colleague how many speakers he has remaining on his side.

Mr. MCGOVERN. I have the gentlewoman from California (Ms. ZOE LOFGREN) and then myself.

Mr. DREIER. I have just one more speaker, and actually with that, then I'll just plan to wrap up.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge adoption of this enormously important amendment.

Others have spoken eloquently about the need for women to have equal rights in their paychecks, but this is a right that extends far beyond female Americans. It extends to families, because in this day and age we all know that working families require the incomes not just of the husband but also of the wife, Dad and Mom together, and if Mom's salary is decreased unfairly and illegally, that hurts everybody in that family.

So I urge my colleagues to support this measure, not just for the women of America but for the men and women and families of America.

I thank the gentleman for yielding.

□ 1900

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by saying that, obviously, we feel very strongly about the issue of discrimination, and we feel that cases like this need to be addressed in the future.

I am going to be exchanging, engaging in a colloquy with my friend from Albuquerque. I was just talking with her about the rule and the underlying legislation. She said to me, as we get ready to talk about our quest to address the previous question issue, that she wanted to offer some thoughts.

And so I would like to at this moment yield such time as she may consume to my colleague from Albuquerque for some remarks.

Mrs. WILSON of New Mexico. Mr. Speaker, I was listening to this debate and my colleagues. I am a big believer in equal pay for equal work, particularly when it comes to women, because that determines what I get in my packet at the end of the week.

But I have to say, I don't like this bill. The reason is, I am sitting here thinking, if you can go back 20 years and say I was discriminated against 20 years ago, we are talking about my first job out of college, and how that may have been, or I am a former small business owner as well. There are folks that I probably don't even remember employing who could come back and start suing me for what I did in small business 20 years ago. I just don't think that's the right way to solve the problem.

I am strongly for equal pay for equal work and have fought for it and have given it to employees. I just don't think this is the way to do it, by retroactively allowing people to sue.

Mr. DREIER. Reclaiming my time, I would like to actually say that clearly the gentleman from Santa Clarita (Mr. MCKEON) is going to be about talking about this issue, assuming we do move to the bill.

But I will say that we are going to, as we did in the case of the last bill, seek to defeat the previous question so that we will have a chance to deal with an issue that is critically important, critically important to the security of the United States of America and our allies.

We, for literally months, have been saying that we need to take the very antiquated, 1978, Foreign Intelligence Surveillance Act and have a chance, have a chance to improve and update that so that we could bring that three-decade old legislation into the 21st century with the tremendous technological changes that have taken place.

We have been imploring Members of this House to move legislation so that those who are in the intelligence field, the Central Intelligence Agency, the Director of National Intelligence, the Secretary of Homeland Security, will simply have the opportunity, have the opportunity to monitor foreigners on foreign soil without going through the long process of seeking a court order to not, not in any way, engage on the monitoring of telephone conversations of Americans, but of terrorists on foreign soil who want to kill us.

Mr. Speaker, since my colleague from Albuquerque has authored legislation, we will seek, if we can get our colleagues to vote against the previous question, to make this critically important legislation in order, rather than waiting until, rather than waiting until after the August recess.

Tragically, we have just gotten news that the scheduled briefing for the Intelligence Committee that was to be provided at 10 o'clock tomorrow morning by the Director of National Intelligence has just been postponed until after the August recess, more than a month from now. I believe that we have created some very serious problems here.

Mr. Speaker, I yield further to my colleague for some remarks on this.

Mrs. WILSON of New Mexico. If the previous question is defeated, we will bring to the floor immediately a bill to update the Foreign Intelligence Surveillance Act. Director McConnell, the Director for National Intelligence, put it very simply in a letter last week. He said, ''Simply put, in a significant number of cases, we are in a position of having to obtain court orders to effectively collect foreign intelligence about foreign targets located overseas.''

We are tying ourselves up in red tape here at home not using our intelligence capabilities to protect our country. This is an urgent issue. He has described an intelligence gap that is tying our hands.

If the previous question is defeated, I will offer immediate legislation to close this intelligence gap.

Mr. DREIER. Reclaiming my time, I would like to ask my colleague a couple of questions on this. She is so expert, as a member of the committee, having worked long and hard on this.

I would like to ask if she is aware of any cases where American lives are already at risk because of the fact that we don't have the ability to monitor, in foreign countries foreigners who are engaging in these kinds of conversations.

Mrs. WILSON of New Mexico. I am aware of specific cases, I think all of us, particularly in the leadership in the House, Democrat and Republican, as well as members of the Intelligence Committee, Democrat and Republican, are aware of the continuing intelligence gap that is putting us at risk in ways that we don't even know about.

But I am aware of specific cases where American lives have been put at risk.

Mr. DREIER. Mr. Speaker, in light of that, it is absolutely imperative that we defeat the previous question on this rule so that we will have an opportunity to deal with this horror that will allow us to have a chance to save American lives, as the gentlewoman has just said.

I urge my colleagues to vote ''no'' on the previous question.

Mr. MCGOVERN. Mr. Speaker, let me just say that I think it's inconceivable that any Member in this Chamber can stand up and say that they are against discrimination and that they are dedicated to equal pay for equal work and vote against the underlying bill.

My friends on the other side of the aisle have talked about how committed they are to this issue of equal rights; yet when they controlled this Congress, I don't recall a single equal pay for equal work bill being brought to this floor.

My friends say that this is an issue they feel strongly about, yet I don't recall hearing a single voice on the other side of the aisle complain when George Bush's Solicitor General argued against Lilly Ledbetter. My friends say this is an important issue to them, yet I don't recall anybody on their side of the aisle standing up and decrying the Supreme Court when they came down with this awful decision against Lilly Ledbetter.

Today's debate has been about justice and fairness. It is hard to believe this is even an issue that needs to be debated. No one argues that Lilly Ledbetter was denied equal pay for equal work. No one argues against the fact that women in this country still only earn 77 cents for every dollar earned by men.

No one will refute the fact that, unfortunately, discrimination in the workplace towards too many Americans is still rampant. But today we can send a message that this unfairness in the workplace is unacceptable and will no longer be tolerated.

Those who discriminated against Lilly Ledbetter were wrong, and they deserve to be fired. Because of the insult she suffered, Ms. Ledbetter deserved compensation.

What's amazing is that the Supreme Court doesn't deny this. They recognize the problem, yet a bare majority, for some reason, decided that justice was not to be granted. Justice Ginsburg, in her dissent, stated that the opinion did not, and I quote, ''comprehend, or was indifferent, to the insidious way in which women can be victims of pay discrimination.'' Justice Ginsburg also made clear that now it

was up to Congress to act. Today we shall.

It does not matter if you suffer pay discrimination on the basis of race, sex, color, religion, national origin, disability or age. It is wrong. If it happens, there must be a system in place to ensure that justice is accomplished.

As Lilly Ledbetter said, and I quote, ''I wish my story had a happy ending . . . I hope . . . that what happened to me does not happen to other people who suffered discrimination like I did.''

Let's fulfill Lilly Ledbetter's hope today and ensure that what happened to her never, ever happens to another worker in this great country.

I urge a ''yes'' vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Mr. MURTHA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–279) on the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

IDAHO AGRICULTURAL COLLEGE LAND GRANT

Ms. HERSETH SANDLIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3006) to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3006

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

SECTION 1. AGRICULTURAL COLLEGE LAND GRANT.

(a) IN GENERAL.—Section 10 of the Act of July 3, 1890 (26 Stat. 215, chapter 656) is amended—

(1) by inserting ''(a)'' after ''SEC. 10.''; and

(2) by adding at the end the following:

''(b) Notwithstanding sections 3 through 5 of the Act of July 2, 1862 (commonly known as the 'First Morrill Act') (7 U.S.C. 303 et seq.), the State of Idaho may—

''(1) invest and manage earnings and proceeds derived from land granted to the State of Idaho pursuant to subsection (a), in accordance with the standards applicable to a trustee under Idaho law;

''(2) deduct from earnings and proceeds generated from granted land any expenses that a trustee is authorized to deduct pursuant to Idaho law; and

''(3) use earnings and proceeds generated by the granted land for any uses and purposes described in that Act (7 U.S.C. 301 et seq.) without regard to the limitations set out in section 5 of that Act (7 U.S.C. 305) that prohibit the State from exceeding 10 per centum on the purchase of land and prohibit the State from purchasing, erecting, preserving, or repairing of any building or buildings.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 27, 1998.

The SPEAKER pro tempore (Ms. ROYBAL-ALLARD). Pursuant to the rule, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Ms. HERSETH SANDLIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3006, a bill introduced by Congressman SIMPSON of Idaho and cosponsored by Congressman SALI, also of Idaho, that addresses an Idaho-specific problem.

The University of Idaho would like to construct a Center for Livestock and Environmental Studies to research environmental issues facing the dairy industry in central Idaho, but current law prevents the university from using proceeds from endowed lands toward funding for the center.

The dairy industry faces a number of significant EPA regulation, animal health and environmental issues, including nutrient management and odor control. Idaho is now the fourth largest milk-producing State, with 477,475 cows and 686 dairies in 2006.

To support the Idaho dairy industry and help address the challenges facing it, the University of Idaho, in collaboration with the College of Southern Idaho, Idaho Dairymen, Kimberley ARS/USDA and others, is seeking to develop the Center for Livestock and Environmental Studies in the Magic Valley area. The total cost of the center is projected to be $25-$35 million. The State of Idaho and the dairy industry have been willing to put forward a large percentage of funding, and the University of Idaho is responsible for the remaining portion.

The university would like to use the proceeds from endowed lands granted to the university by the Morrill Act. In order to do this, the Idaho Admissions Bill must be amended. Currently, lands granted to the University of Idaho through the Morrill Act can be exchanged and managed with the proceeds going only to the operation of buildings, not construction. This bill will lift that restriction within the Idaho Admissions Bill and will leave the Morrill Act untouched, making it Idaho specific.

Governor Otter and the Idaho Legislature have approved a $10 million appropriation for the center, contingent upon the passage of H.R. 3006, and additional funding is being raised by the Idaho dairy community.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I rise in support of this legislation and yield myself such time as I may consume.

H.R. 3006 is a simple amendment to the act granting statehood to Idaho. The legislation will allow Idaho additional flexibility to invest and manage earnings from the land grant provided under the first Morrill Act.

The purpose of the Morrill Act of 1862 was to provide an amount of public land to be apportioned to each State, the proceeds of which were to be used to establish a college of agriculture. The Morrill Act is the foundation of our land grant college system and one we can continue to build upon with each farm bill.

The purpose of H.R. 3006 is to provide additional flexibility to Idaho in how it manages funds derived from the original land grant. Specifically, this legislation would waive statutory limitations related to facility procurement and maintenance. This, in turn, will allow Idaho to construct a research facility addressing environmental concerns facing the dairy industry.

As stated previously, this is simple legislation for which I know of no opposition.

I am told that any concerns the U.S. Department of Agriculture may have have been subsequently addressed. I, therefore, urge all Members to support this legislation.

Mr. PETERSON of Minnesota. Madam Speaker, I submit the following information for the RECORD on H.R. 3006:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 27, 2007.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I ask your help in scheduling H.R. 3006, a bill to improve the use of a grant of a parcel of land to the State of Idaho, for consideration by the House of Representatives as soon as possible.

H.R. 3006 was referred to the Committee on Agriculture and additionally to your Committee. The purpose of H.R. 3006 is to allow the University of Idaho to construct a Center for Livestock and Environmental Studies to research environmental issues facing the dairy industry in central Idaho.

In the interest of expediency, I ask that you allow the Committee on Natural Resources to be discharged from further consideration of the bill. This action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bill. Moreover, if the bill is conferenced with the Senate, I would support naming Natural Resources Committee members to the conference committee.

I look forward to your response and would be pleased to include it and this letter in the report on H.R. 3006.

Sincerely,

COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 27, 2007.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review the text of H.R. 3006, a bill to improve the use of a grant of a parcel of land to the State of Idaho. As you know, the Committee on Natural Resources was granted an additional referral on this legislation due to provisions therein which fall under the Committee's jurisdiction.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, and knowing of your interest in expediting this legislation, I will discharge H.R. 3006 from further consideration by the Committee on Natural Resources. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 3006 and into the Congressional Record during consideration of the measure on the House floor.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,
Chairman.

Mr. GOODLATTE. Madam Speaker, I yield back the balance of my time.

Ms. HERSETH SANDLIN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) that the House suspend the rules and pass the bill, H.R. 3006.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. HERSETH SANDLIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks on the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

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U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT AMENDMENT

Ms. HERSETH SANDLIN. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1716) to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1716

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

SECTION 1. CONTRACT WAIVER.

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 112) is amended by striking section 9012.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Ms. HERSETH SANDLIN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of S. 1716, legislation that would ensure that U.S. livestock producers will be able to utilize the vital disaster assistance recently approved by this Congress.

The effect of this bill is essentially identical to an amendment last week by my colleague and friend from Oklahoma (Mr. LUCAS) to the Farm, Nutrition, and Bioenergy Act, which I supported and which was unanimously accepted.

This legislation is critical to deliver on the promise we made to American livestock producers just this past May. After more than a year's effort and despite several veto threats from the President, we were successful in passing much-needed disaster assistance through this Chamber and enacted into law. Then, several months after the bill's passage, the Secretary of Agriculture determined that a certain phrase in the bill effectively denies aid to all livestock producers that didn't participate in the Non-Insured Crop Disaster Assistance program or a crop insurance pilot program for rangeland.

I assure my colleagues that this was not the intention of this Congress and, regardless of the accuracy of USDA's legal interpretation, we need legislative action to fix it. This bill simply strikes the one sentence in the disaster bill that is causing the problem.

I appreciate the leadership of the Agriculture Committee in working with me to find a solution to this problem, and I am pleased to have the opportunity to offer this legislation. I also shared this problem with the leadership of the Appropriations Committee to ensure that this year's Agriculture appropriations bill contains language to address this as well, and I am pleased to report that it does. That would be unnecessary, however, if we can pass this stand-alone legislation and get it directly to the President. Doing so will solve this problem in time to prevent any delays in delivering much-needed assistance to American producers. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of the bill to amend S. 1716, which previously passed the other body and is now before the House.

In May, Congress passed and the President signed U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007. This law included disaster assistance for crop and livestock producers for losses sustained between January 1, 2005 and February 28, 2007.

Producers were able to receive payments for losses sustained in only one of these years and were required to be in a county that was declared a disaster county in that same calendar year. This law also contained provisions found in section 9012 requiring that forage producers must have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance program during the crop year for which compensation is received.

As a result of section 9012, very few livestock producers are eligible for the disaster relief passed by Congress because crop insurance is more widely used in crop production than in livestock production. The amendment before the House will strike section 9012 to broaden the eligibility requirements to allow more livestock producers that suffered loss to participate than were allowed under the previously passed disaster package. The amendment before the House will not change direct spending because this amendment reconfirms the assumptions made when the Congressional Budget Office scored the original bill.

I believe section 9012 establishes an appropriate incentive for producers to manage their risk using the available tools. However, it is not reasonable to put this policy in place without warning. To tell producers in 2007 that they should have bought crop insurance in 2005 to get assistance for losses incurred in 2005 is not fair. Livestock producers should know, however, that in the future, crop insurance or participation in similar risk-management programs will likely be required to qualify for future disaster assistance.

I commend the gentlewoman from South Dakota and others who have

worked for this legislation. I support the bill to amend S. 1716 and urge its adoption.

Madam Speaker, I yield back the balance of my time.

Ms. HERSETH SANDLIN. Madam Speaker, I want to thank the distinguished ranking member of the full Committee on Agriculture, Mr. GOODLATTE, for his support of this bill. We have Senate colleagues who we have served with here in this body previously who have already been working hard on this legislation. I am pleased that we have bipartisan agreement on our intention in providing this disaster assistance and certainly acknowledge and agree with the gentleman from Virginia's statements as it relates to future disaster assistance and the importance of further developing the pilot project programs for livestock producers to have adequate coverage for their losses.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) that the House suspend the rules and pass the Senate bill, S. 1716.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. HERSETH SANDLIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

LIBERIA DESIGNATION EXTENSION

Ms. ZOE LOFGREN of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3123) to extend the designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for temporary protected status under that section.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3123

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

SECTION 1. EXTENSION OF DESIGNATION.

(a) IN GENERAL.—The designation of Liberia under section 244(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(1)) is extended through September 30, 2008.

(b) APPLICABILITY.—Subsection (a) shall be applied so as to render eligible for temporary protected status and work authorization, in accordance with subsections (a), (e) and (f) of section 244 of such Act (8 U.S.C. 1254a), an alien who is a national of Liberia (or in the case of an alien having no nationality, is a person who last habitually resided in Liberia) and is otherwise eligible under subsection (c) of such section, if the alien—

(1) was granted such status under the designation of Liberia that is effective until October 1, 2007 (71 Fed. Reg. 55000);

(2) applied for such status under such designation, and such application is still pending; or

(3) is eligible for late initial registration under section 244(c) of such Act and the regulations implementing such section.

(c) REQUIREMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall publish in the Federal Register procedures for aliens to register for temporary protected status under the extension made by this Act, and to apply for any applicable work authorization or extension of work authorization. Such registration period shall be not less than 60 days long.

(d) EXTENSION OF CURRENT WORK AUTHORIZATIONS.—Notwithstanding any other provision of law, any work authorization provided under section 244 of the Immigration and Nationality Act pursuant to the designation of Liberia that is effective until October 1, 2007, is extended until not earlier than April 1, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

H.R. 3123 extends Liberia's current temporary protected status designation, which is due to expire on September 30 of this year, for 1 year.

As many of us know, Liberia was founded by former American slaves with the help of our government. Since 1989, however, the country has been ravaged by two brutal civil wars which have displaced hundreds of thousands of people and destroyed Liberia's economy and infrastructure.

In recognition of these intolerable conditions, the United States for the past 16 years has accorded special protection status to prevent approximately 3,600 Liberians residing in our Nation under temporary protected status from having to be returned to their homeland in the midst of those wars. Recently, the Department of Homeland Security has determined to terminate these temporary protections in light of the fact that Liberia's civil wars have finally ended and in anticipation of the political stability that Ellen Johnson-Sirleaf, its newly elected President, will bring.

While there is no question that President Johnson-Sirleaf has put Liberia on the road to recovery, that road will unfortunately be rather long. Currently, 85 percent of Liberians are unemployed. The country is suffering from severe shortages in electricity and running water. As for medical care, Liberia has only 26, yes, that is only 26, physicians who must serve a population of 3.4 million people.

Recognizing her country's fragile state, President Johnson-Sirleaf has acknowledged that Liberia is unable to accept and absorb the 3,600 Liberian nationals currently residing in the U.S. under TPS. I am sure we all recall President Johnson-Sirleaf's visit and address to this body and our interest in making sure that she succeeds in bringing peace and democracy to her country. Accordingly, we are deeply concerned about the consequences that could result if thousands of Liberians in the United States are forced to return to their homeland before it is ready and able to accept them.

For these reasons, I ask that you join me in supporting H.R. 3123, which simply extends this protection status for 1 year. I should also note that this bipartisan measure is supported by President Johnson-Sirleaf and the Liberian Government.

I would also like to extend a special thanks to Republican Whip ROY BLUNT who, in talking to Democratic Whip JIM CLYBURN last week, agreed that we should proceed in this manner. Mr. BLUNT is a cosponsor of this bipartisan bill, along with the prime sponsors, Representatives KENNEDY and JIM RAMSTAD, Representatives PENCE and TIBERI, myself, Mr. LANGEVIN, Mr. DIAZ-BALART, Mr. MCCOTTER, TIM WALBERG, JOHN CONYERS, Ms. JACKSON-LEE, and Representative WYNN. So this is a thoroughly bipartisan bill, and I would urge my colleagues to support it.

I reserve the balance of my time.

Mr. CANNON. Madam Speaker, I yield myself such time as I may consume.

Congress has granted the Secretary of Homeland Security the authority to grant temporary refuge to aliens from particular countries under temporary protected status. If there is an ongoing armed conflict in the country and the return of nationals would pose a serious threat to their security, if there has been a natural disaster in the country resulting in a substantial but temporary disruption of living conditions, or if there exists extraordinary temporary conditions in their country that prevent aliens from returning in safety, the Secretary can grant TPS status to the nationals for as long as 18 months. He can later extend the TPS period for additional periods of as long as 18 months.

Nationals of Liberia have been granted TPS because of civil unrest in Liberia; however, that status expires on October 1 of this year. This legislation would direct the Secretary to extend TPS to nationals of Liberia through September 30, 2008. I support this legislation.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I yield 4 minutes to the gentleman from Rhode Island (Mr. KENNEDY), the prime author of the legislation.

Mr. KENNEDY. I thank the gentlewoman from California, and I want to commend her for her support.

Madam Speaker, I am proud to lead a bipartisan coalition of Members from both sides of the aisle that support the cause of Liberia, and I want to thank and extend my gratitude to them and to all parties for bringing this bill to the floor today.

Minority Leader and Whip BLUNT, Congressman MIKE PENCE, Congressman TIM WALBERG, and my good friend from Minnesota, JIM RAMSTAD, have come together because we all believe in the Liberian-American community.

I would also like to recognize Congressman KEITH ELLISON, a true champion of the Liberian-Americans, for his steadfast support and dedication to this cause, as well as to Chairman CONYERS and again to Chairwoman LOFGREN on the Judiciary Committee for her strong leadership on this issue.

Madam Speaker, as you can hear from this debate, this is an issue where we have had a country that has had a unique history with our Nation. It is a country that was founded by former American slaves. It was a country that was established by this country for those liberated American slaves; and it was a country whose refugees came back here because of a war that was in part fueled by American guns, where we supported former General Taylor and General Doe.

So it is a tragedy that was exacerbated because America supported a civil war that cost the descendents of those American slaves their lives. There was torture and killing that forced those former American slaves' descendents to have to come back to the United States.

Now they are here. They have made their own lives here. And the thought that we would have to force them to go back instead of them making their own decision as to when to go back. I represent a large community of over 17,000 Liberian-Americans. They want to go back to Liberia, but they want to make the decision as to when they go back. They don't want to have to be forced to go back on October 1 because we are forcing them. They have made their lives here. They contribute heavily to our community.

In fact, I have spoken this afternoon to several of my constituents. One woman, Ms. Harris, has never missed a day of work in the 20 years she has been here in this country; another family, the Dennises, who have been here; Mr. and Mrs. Akowala. He has two degrees in engineering and Mrs. Akowala is a registered nurse.

□ 1930

Both degrees are very important in this country. Both of whom contribute heavily to our economy. Their children were born here. But if they were forced back and their children are Americans, what happens? They go back to a country where 85 percent of the country is unemployed, where there's little running water, little electricity. Can you imagine what we'd do to that country? It's barely on its feet right now. What do we do? We do not stabilize the country that's getting on its feet. I think we further destabilize it.

Further, I think the best policy for us to help stand up to Liberia is to help and give them the remittances that Americans here in this country, the Liberian Americans here send back every year to Liberia. And that, I think, is a good policy for this country.

For all of these reasons, not the least of which is Ciehanna Stevens. She is married to an Iraqi war veteran hero who's on his fourth tour of duty. He's a citizen of this country. He's a Liberian American, fourth tour of duty serving his country. She will be deported. Imagine, the wife of an Iraqi war hero on his fourth tour of duty to be deported. That, to me, is an outrage. We need to pass this bill for all the Liberian Americans who contributed to our country.

Mr. CANNON. Madam Speaker, I'd like to yield 3 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Madam Speaker, I rise today in strong support of H.R. 3123, legislation that would extend by 1 year temporary protective status for all Liberian refugees living in the United States.

I also count it a privilege that this is a bipartisan piece of legislation. I appreciate the efforts of Congressman KENNEDY and others in working on something that is the right thing to do.

Currently, all Liberian refugees living in the United States under temporary protective status have until October of this year, and then they'll be forced to return to Liberia.

As someone who had the privilege, and I say that sincerely, of helping a Liberian refugee start a brand new life in America, living in my home, forcing these Liberians out of our country is the wrong policy.

Liberia has been torn apart by two long civil wars over the past 2 decades, and while civil war finally ceased in 2003, Liberia is still years from developing the infrastructure needed for Liberian refugees to return.

Liberia's path remains very difficult. With an unemployment rate of 85 percent, shortages of running water and, according to the United Nations, a mere 26 physicians practicing medicine in a country of 3.4 million people, Liberia cannot absorb the estimated 3,600 Liberians who would be required to return.

Some of the estimated 3,600 Liberian refugees who are here legally in the United States came to our country when civil war broke out in Liberia in 1991, and they're now raising children born in America.

This legislation addresses an urgent situation faced by Liberian refugees who have legally come to America, many over 15 years ago, established careers, bought homes, raised American-born children and become valued members of their communities.

One of the unintended consequences of the temporary protective status is it did not foresee that civil wars would continue many years, leaving refugees in America stuck in a state of flux.

The United States Government must allow these law-abiding, hardworking Liberian refugees the chance to not only continue contributing to American society as they do, but also to continue playing a pivotal role in furthering Liberia's recovery from years of strife and turmoil.

This is the right thing to do. It's an opportunity that we have. It's an opportunity for resources to a foreign country that is a friend of ours that costs us very little because they, the refugees, are the ones primarily giving back.

And so I ask, Madam Speaker, that we, as a Congress, roll up our sleeves in this way and support this legislation to give one simple year to remain for this country to move ahead.

Ms. ZOE LOFGREN of California. Madam Speaker, at this time I yield 4 minutes to one of the co-authors of the bill, the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Madam Speaker, let me begin by thanking my colleague, Patrick Kennedy, for his leadership on this issue.

I rise today in strong support of H.R. 3123, the bill which I have cosponsored which would extend the ability of Liberians living in the United States to maintain their temporary protective status designation allowing them to legally remain in the United States, which has become home for many of these Liberians displaced by conflict and civil war in their native country.

Founded by freed American slaves, with a flag and a Constitution based on our own, Liberia has always had a special relationship with the United States. In fact, I used to live in a little community in Warren County, North Carolina, called Liberia.

But Liberia has had a troubled history in the past few decades. From 1989 to 1997, civil war in Liberia has claimed the lives of almost 150,000 people and displaced 850,000 more.

In August of 2003, the U.N. Security Council established a U.N. peacekeeping mission of up to 15,000 soldiers. Although peace has allegedly been restored, these 15,000 troops are still in Liberia today.

Based on the election of Ellen Sirleaf-Johnson in 2005, the Department of Homeland Security decided that conditions in Liberia were such that temporary protective status for Liberians currently living in the United States should end.

This is illogical. Many of the roughly 3,500 Liberians in the United States today on temporary protective status have been living in the United States

since 1991, over 15 years. They own homes, pay taxes and are pillars of the community.

This Saturday I sat with a gentleman who had a 13-year-old daughter. He said, she's never been to Liberia. She only knows America as her home. Many of their children are like this. They've never known any home other than the United States.

That alone would be good reason to grant this extension. But the fact is that Liberia still has 15,000 U.N. peacekeepers stationed there. Less than 2 weeks ago, Liberia's former House Speaker and a former top military commander were charged with treason for attempting to overthrow the Liberian Government in an alleged coup.

The Sirleaf-Johnson administration is performing admirably in rebuilding Liberia's crippled economy. But there are no jobs or homes for returning Liberians.

Many in the Capitol city of Monrovia lack running water or access to electricity, and waterborne illnesses like hepatitis A and typhoid fever are common.

Eighty percent of Liberians are unemployed. The Liberian Government has pleaded for an extension of temporary protective status, saying it is not ready to accept the return of these Liberians.

Unless we pass this bill, we'll make illegal immigrants of those responsible, hardworking, taxpaying Liberians that fled violence and war in Liberia to seek peace and safety in the United States.

I urge my colleagues to join me in supporting this excellent bipartisan bill supporting an extension of temporary protective status for these Liberians.

I urge my colleagues' support for this measure.

Mr. CANNON. Madam Speaker, I have no further speakers, and I yield back.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield 2 minutes now to a cosponsor of the legislation, the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, let me thank the gentlelady from California (Ms. ZOE LOFGREN) for her leadership on the Judiciary Committee as a member of the Judiciary Committee and cosponsor of this legislation.

Might I add my appreciation to Mr. KENNEDY for his leadership and the bipartisanship of this bill.

I pay tribute also to the Liberian community in Houston, Texas, and ask my colleagues to recognize the long history of suffering that Liberians experienced under the presidency of Charles Taylor. The horrific and heinous crimes, the mutilation of young children, the using of child soldiers all speak to the importance and the crucialness of extending the temporary protective status for these who are here in this country who fled because of political persecution and fled because of the atrocities that they would experience.

This is a temporary protective status of individuals who have been in this country working, paying taxes, and raising their children. We've experienced this over the years of the past administration, looking to try to find some way to provide permanent status for these refugees who have fled persecution. We have not done that yet. However, this is a very good step to recognize their contributions to the United States.

I hope that my colleagues, in reflection of the atrocities that Liberia experienced, will recognize that there is a very, very difficult pathway for them to return back to Liberia.

I do, however, want to applaud the leadership of the new president of Liberia and to recognize the work that she has done. But she, too, has admitted that they are making steps, step by step, and the importance of providing the sanctity and safety of the individuals here in the United States is crucial.

I rise to support H.R. 3123, and would ask my colleagues to support it.

And again, I salute the Liberian community for the suffering but yet the contributions they've made to the United States.

Madam Speaker, I am honored to rise in support of H.R. 3123, which addresses the plight of displaced Liberian nationals, a group of people that is of great regional and global importance. H.R. 3123 recognizes the importance of extending the designation of Liberia under section 244 of the Immigration and Nationality Act. I thank the gentleman from Rhode Island, Mr. KENNEDY, for excellent work in bringing this legislation forward.

H.R. 3123 extends the designation of Liberian refuges under section 244(b)(1) of the Immigration and Nationality Act through September 30, 2008 and expands the designation of Liberia under the Immigration and Nationality Act as a country whose nationals are eligible for temporary protected status and work authorization in the United States. In addition, H.R. 3123 sets forth eligibility requirements for Liberian nationals or persons having no nationality whose last habitual residence was Liberia.

Madam Speaker, let us remember that from 1989 to 1996 the Liberian civil war claimed the lives of more than 200,000 Liberians and further displaced a million others into refugee camps in neighboring and distant countries, including our own. The United States and other countries have provided relief to Liberians. By supporting this bill we can show our affection and commitment to people of Liberia.

The United States has a historical connection to all Liberians, but we also have a moral responsibility to end the killings and mass displacement of innocent citizens. The termination of TPS designation of Liberia would place many Liberians that fled to our country for refuge at risk of being returned prematurely.

Madam Speaker, the elimination of TPS designation means that on October 2, 2007, former TPS beneficiaries will return to the same immigration status they maintained before registering for TPS, or to any other status they may have acquired while registered for Temporary Protection Status. Accordingly, if an individual did not have lawful immigration status at the time of receiving TPS benefits, and did not obtain any other status during the TPS designation period, he or she will revert to being without lawful status. Such individuals are expected to depart the United States on or before October 1, 2007. Those who do not comply with this requirement may be subject to removal.

The Liberian people living in our country deserve better treatment and protection than the current Immigration and Nationality Act can afford. Congress needs to permit the extension of section 244 which enables the people to reregister for temporary protection status and work authorization.

Let us give the Liberian people the respect and protection they need by supporting H.R. 3123.

Ms. ZOE LOFGREN of California. Madam Speaker, if we allow the temporary protective status for Liberia to expire this September, more than 3,000 Liberians living in the United States will be forced to immediately return to a country that lacks housing, jobs, health care, education, and other necessary services. Such a result would be inhumane to these men and women, but it would also be destabilizing to their country, a country that we want to support in their efforts to achieve peace and a democracy.

So I urge my colleagues to please join in supporting passage of this important legislation.

Mr. LANGEVIN. Madam Speaker, I rise today in support of H.R. 3123, which would allow Liberians living in the United States to be eligible for a 1-year extension of their temporary protected status. This measure, introduced by my colleague from Rhode Island, Representative KENNEDY, will give Liberian refugees in our State an opportunity to plan their return home instead of being forced back before they are ready.

For many years, Liberians were ruled by the cruel hands of dictators, including Samuel Doe and Charles Taylor. They controlled their country by fear and violence, which provoked the United States Government in 1991 to seek temporary protected status for Liberian nationals who were in the U.S.

Since Charles Taylor was forced out of office, Liberia has made progress in peace and democracy building efforts, and the election of President Ellen Johnson Sirleaf in 2005 has brought stability to the region. President Johnson Sirleaf has made many efforts to improve relations with both the U.S. Government and Liberian communities across our country. However, Liberia's security situation, while stable, is still fragile, and its economy and state structures remain devastated by war.

In Rhode Island, our Liberian population has become part of the fabric of our community. They work for local companies, they attend our schools, and they enrich cities and towns. The majority of Liberians in our State wants to return to their homeland, but they understandably wish to first ensure the country's safety and stability. In the meantime, they are learning how to better serve their country by taking advantage of opportunities offered to them in the United States. They are an integral part of

our communities, and in return, we owe them the chance to return when they are ready—and without fear—to Liberia.

Mr. ELLISON. Madam Speaker, I rise today in strong support of H.R. 3123, a bill that will extend temporary immigration status for Liberian refugees here in the United States. Minnesota is proud to be the home of over 1,000 Liberian refugees, people who have became our friends and neighbors. Forcing them to return now would be an injustice to not only the Liberians themselves, but to everyone in Minnesota who has come to care for their welfare.

The civil war that shook their county in the early 1990s left 150,000 people dead and nearly a million others displaced. These 1,000 refugees turned to America in their hour of need, and Madam Speaker, I am proud to serve in the Congress of a country that has been willing to help these individuals in their time of greatest hardship.

It has been well over a decade since these Liberian refugees sought Minnesota as a home, and since then they have become upstanding citizens, an important part of the fabric that makes up our communities and economies and neighborhoods. Madam Speaker, I strongly request that my colleagues join me in supporting H.R. 3121.

Mr. JACKSON of Illinois. Madam Speaker, I rise in strong support of H.R. 3123 and want to thank the gentleman from Rhode Island, my friend Congressman KENNEDY, for his leadership and hard work on this issue. This bill provides support and assistance to our ally Liberia, during a critical time in its social and economic reform and recovery.

Specifically, this bill extends until October 1, 2008, the designation of Liberians living in this country under Temporary Protected Status, TPS. The Department of Homeland Security estimates that only 3,600 Liberians are currently eligible for TPS. Many of these Liberians have been in the U.S. for more than 16 years, and all of them have been here for a minimum of 5 years.

TPS is a temporary immigration status granted to eligible nationals of designated countries. In 1990, as part of the Immigration Act of 1990, Congress established a procedure by which the Attorney General, and now DHS, may provide TPS to people in the United States who are temporarily unable to safely return to their home country because of ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. During the period for which a country has been designated for TPS, TPS beneficiaries may remain in the United States and may obtain work authorization. However, TPS does not lead to permanent resident status, and TPS holders are not illegal immigrants.

Since 1989, Liberia has been ravaged by two brutal civil wars, which have destabilized the region, displaced hundreds of thousands of people, and destroyed the country's economy and infrastructure. In recognition of these conditions, the United States has protected some 3,600 Liberians in the U.S. from having to return to Liberia.

Recently, DHS has decided to terminate these temporary protections in light of the fact that Liberia's civil wars have finally ended and in anticipation of the political stability that newly-elected President Ellen Johnson Sirleaf will bring. However, while there is no question that President Johnson Sirleaf has put Liberia on the road to recovery, that road will unfortunately be very long.

According to a 2006 United Nations report, Liberia is currently enduring an 85 percent unemployment rate and it continues to be one of the poorest countries in the world. Improvements to the country's infrastructure following the war have come slowly, and it continues to suffer from severe shortages in electricity and running water. The country also lacks adequate medical care, as a mere 26 physicians currently practice medicine for a population of some 3.4 million people.

According to Liberian Government officials, their nation is not yet in a position to provide returnees with employment, housing, health services, education services, and other necessary amenities and services. Due to these and other issues, the Liberian Government has stated that the country cannot absorb and provide for the estimated 3,600 Liberians who would be required to return to their homeland.

As an aside, Liberians in the U.S. also provide financial assistance, including remittances averaging about $6 million monthly, to the Liberian economy. These transfers constitute a vital source of financial assistance and economic stability during the country's still-nascent period of recovery.

President Johnson Sirleaf stated during her address to Congress in March 2006: "For those unable to come back home now, we must appeal to you to grant them continuing protection status, and residency where appropriate, to put them in a condition to contribute to their country's reform and development."

For these reasons, and in order to support Liberia as it emerges from two decades of dictatorship and civil war, I strongly support H.R. 3123 and urge its passage.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 3123.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GRANTING THE CONSENT AND APPROVAL OF CONGRESS TO AN INTERSTATE FOREST FIRE PROTECTION COMPACT

Ms. ZOE LOFGREN of California. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 975) granting the consent and approval of Congress to an interstate forest fire protection compact.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 975

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

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

"THE GREAT PLAINS WILDLAND FIRE PROTECTION AGREEMENT

''THIS AGREEMENT is entered into by and between the State, Provincial and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as 'Members'.

''FOR, AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

''ARTICLE I

''The purpose of this compact is to promote effective prevention and control of forest fires in the Great Plains region of the United States by the maintenance of adequate forest fire fighting services by the member states, and by providing for reciprocal aid in fighting forest fires among the compacting states of the region, including South Dakota, North Dakota, Wyoming, Colorado, and any adjoining sate of a current member state.

''ARTICLE II

''This compact is operative immediately as to those states ratifying it if any two or more of the member states have ratified it.

''ARTICLE III

''In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control may act as compact administrator for that state and may consult with like officials of the other member states and may implement cooperation between the states in forest fire prevention and control. The compact administrators of the member states may organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact. Each member state may formulate and put in effect a forest fire plan for that state.

''ARTICLE IV

''If the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling, or preventing forest fires, the state forest fire control agency of that state may render all possible aid to the requesting agency, consonant with the maintenance of protection at home.

''ARTICLE V

''If the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of the state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges, and immunities as comparable employees of the state to which they are rendering aid.

''No member state or its officers or employees rendering outside aid pursuant to this compact is liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with rendering the outside aid.

''All liability, except as otherwise provided in this compact, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

''Any member state rendering outside and pursuant to this compact shall be reimbursed by the member state receiving the aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. However, nothing in this compact

prevents any assisting member state from assuming such loss, damage, expense, or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

''Each member state shall assure that workers compensation benefits in conformity with the minimum legal requirements of the state are available to all employees and contract firefighters sent to a requesting state pursuant to this compact.

''For the purposes of this compact the term, employee, includes any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws of the aiding state.

''The compact administrators may formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

''ARTICLE VI

''Ratification of this compact does not affect any existing statute so as to authorize or permit curtailment or diminution of the forest fighting forces, equipment, services, or facilities of any member state.

''Nothing in this compact authorizes or permits any member state to curtail or diminish its forest fire fighting forces, equipment, services, or facilities. Each member state shall maintain adequate forest fighting forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

''Nothing in this compact limits or restricts the powers of any state ratifying the compact to provide for the prevention, control, and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules, or regulations intended to aid in the prevention, control, and extinguishment in the state.

''Nothing in this compact affects any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

''ARTICLE VII

''Representatives of the United States Forest Service may attend meetings of the compact administrators.

''ARTICLE VIII

''The provisions of Articles IV and V of this compact that relate to reciprocal aid in combating, controlling, or preventing forest fires are operative as between any state party to this compact and any other state which is party to this compact and any other state that is party to a regional forest fire protection compact in another region if the Legislature of the other state has given its assent to the mutual aid provisions of this compact.

''ARTICLE IX

''This compact shall continue in force and remain binding on each state ratifying it until the Legislature or the Governor of the state takes action to withdraw from the compact. Such action in not effective until six months after notice of the withdrawal has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 975, the bill that grants Congress's consent and approval to an interstate forest fire protection compact. This legislation serves as a critical tool toward providing communities in South Dakota, Colorado and Wyoming with the necessary resources to fight wildfires.

State wildfire compacts allow States, subject to the consent of Congress, to rapidly request and mobilize firefighting equipment among compact members. Once enacted, this legislation will immediately allow South Dakota, Colorado and Wyoming to work directly with each other and to pool their resources so they could rapidly address current wildfire conditions.

In addition, S. 975 includes a provision that will allow North Dakota to participate in a similar resource-sharing agreement once its State legislature has ratified the agreement.

The need for S. 975 is critical as the fire season for this region approaches and is really upon us today. According to a recent article in the Rapid City Journal, the dry, hot conditions persisting in the Black Hills could result in August being one of the worst fire seasons in the history of South Dakota.

Thus, in an effort to expedite our consideration of this matter, given the potentially critical situation presented by the fire hazards currently affecting South Dakota, we are taking up the measure as passed by the Senate.

I should note that my colleague in the State of South Dakota, Representative STEPHANIE HERSETH SANDLIN, introduced identical legislation, H.R. 3050, to address this matter. I commend Representative HERSETH SANDLIN for her hard work and leadership in this body. And together with the strong support from the Colorado and Wyoming delegations, she has spearheaded the effort to obtain a legislative response to this crisis so that it can be sent to the President for his signature without undue delay.

Accordingly, I urge my colleagues to support S. 975.

Madam Speaker, I reserve the balance of my time.

Mr. CANNON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am happy to support this bipartisan legislation. S. 975, which approves an interstate firefighting compact, is certain to accomplish great things for the States involved.

□ 1945

This compact would facilitate the rapid sharing of desperately needed firefighting resources between the States of South Dakota, North Dakota, Colorado, and Wyoming to combat wildfires that each State could not handle alone.

Those of us from Western States know all too well the menace to human lives, property, wildlife, and the grand natural beauty of our Nation that these wildfires present every year. This compact would help those States fight dangers without compromising any of these States' abilities to protect against fires at home and without impinging on any Federal firefighting authorities.

To facilitate coordination with the Federal authorities, this compact would allow representatives of the U.S. Forest Service to participate as observers of the compact's meetings. The compact is modeled on a similar compact for the Pacific Northwest, to which Congress consented in 1998.

I urge you to support this legislation so that we do not lose a single minute in helping these States to fight fires and benefit this compact's vital provisions.

I am pleased to present this legislation because interstate compacts is an area of the House Judiciary Committee's jurisdiction, and I would like to invigorate that. As ranking member of the Subcommittee on Commercial and Administrative Law, which has jurisdiction over interstate compacts, I hope to see more interest in this area as a powerful tool for States to work together in a cooperative manner to deal effectively with the cross-jurisdictional policy issues that are arising in our country. I am sure that the subcommittee Chair, LINDA SÁNCHEZ, shares this desire; and I look forward to working with her more in this important area.

All around the country, there are many compacts addressing a myriad of issues, from the most cutting-edge climate change issues to the most mundane tax issues. These compacts must under the Constitution be presented to Congress for consent before the States may enter into them. I commend the States involved in this compact for doing things the right way in bringing this compact to Congress for consent.

I urge my colleagues to support this legislation and then to come to visit the natural wonders in these States that this compact is sure to help protect.

Madam Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I would like at this time to yield 1½ minutes to the author of the House companion bill and the Representative from South Dakota, Congresswoman STEPHANIE HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Madam Speaker, I thank the gentlewoman from California for yielding.

I rise today to express my strong support for Senate bill 975. As the chairwoman of the subcommittee, Ms. ZOE

LOFGREN, and the ranking member, Mr. CANNON, have described, this important legislation stands to provide immediate assistance to wildfire-fighting crews in South Dakota, Colorado, and Wyoming.

Passage and enactment of S. 975 is the final step in the fire compacting process, which allows States covered by the compact to more effectively share firefighting personnel and equipment in response to wildfires. The compacting process begins with State approval but also requires consent from the Congress. Further, this legislation enjoys the support of South Dakota's Senators TIM JOHNSON and JOHN THUNE, as well as the entire Colorado and Wyoming Senate delegations. Companion legislation that I introduced in the House also enjoys similar support from the congressional delegations within the compacted States.

The need for this legislation is underscored each fire season as we undoubtedly watch communities struggle to cope with forest fires. In my own district, I recently visited areas devastated by the Alabaugh Canyon fire near Hot Springs, South Dakota, which consumed over 10,000 acres and destroyed more than 30 homes. Tragically, one man lost his life. Only the tireless and professional work by emergency response staff in South Dakota with the help of volunteers across the State and region stopped this fire from becoming even worse.

The fire season is, however, far from over, and I am pleased that the passage of this bill in the House today will be the final legislative step towards enacting this important bill into law. The new authorities contained in the bill will let compacted States work directly with each other increasing the efficiency and, most importantly, the speed with which firefighting crews in South Dakota, Colorado, and Wyoming can mobilize resources in response to fires. The compact also leaves space for North Dakota to join at a later date.

Finally, I would like to thank Chairman CONYERS and his staff for their swift consideration of this bill and their willingness to work with me to bring it to the House floor this evening. Their work, and a joint effort from State officials in South Dakota and the State's entire congressional delegation, has facilitated this progress. I stand in strong support of S. 975 and urge my colleagues to join me.

Mr. CANNON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, this bill grants our approval to an important interstate compact that will enable States in the Great Plains to pool resources to control forest fires. Especially in light of the fact that these States may shortly be experiencing what could be the worst fire season in years, I strongly urge my colleagues to support this urgently needed measure.

I commend the ranking member, Mr. CANNON, and the chairwoman of the subcommittee, Ms. SÁNCHEZ, as well as the chairman of the committee and ranking member for not standing on formality, waiving jurisdiction, and bringing this bill directly to the floor. It is the right way to get something done in a hurry, and it needs to get done.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 975.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SMALL PUBLIC HOUSING AUTHORITY ACT

Mr. FRANK of Massachusetts. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3067) to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3067

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Public Housing Authority Act''.

SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN SMALL PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following new paragraph:

''(3) EXEMPTION OF CERTAIN SMALL PHAS FROM FILING REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

''(i) the requirement under paragraph (1) shall not apply to any qualified small public housing agency; and

''(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified small public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

''(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified small public housing agencies are exempt pursuant to subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified small public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d) of this section, except that for purposes of such small public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

''(C) DEFINITION.—For purposes of this section, the term 'qualified small public housing agency' means a public housing agency that meets all of the following requirements:

''(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 250 or fewer.

''(ii) The agency—

''(I) is not designated pursuant to section 6(j)(2) as a troubled public housing agency; and

''(II) has not, within the preceding 12 months, been assigned a failing or below passing score under the section 8 management assessment program of the Secretary.''.

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

''(4) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified small public housing agency from the requirement under paragraph (1) to establish one or more resident advisory boards. Notwithstanding that qualified small public housing agencies are exempt pursuant to subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified small public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, in any determinations and actions of the agency regarding establishing goals, objectives, and policies of the agency.

''(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified small public housing agencies, except that for purposes of such small public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

''(f) PUBLIC HEARINGS.—''; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1) of this subsection), by adding at the end the following new paragraph:

''(5) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—

''(A) REQUIREMENT.—Notwithstanding that qualified small public housing agencies are exempt pursuant to subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified small public housing agency shall, not less than annually, conduct a public hearing to discuss the goals, objectives, and policies of the agency, and any changes to such goals, objectives, and policies, and to invite public comment regarding such issues.

''(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of such a hearing, the qualified small public housing agency shall—

''(i) make all information relevant to the hearing and any determinations of the agency regarding the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

''(ii) publish a notice informing the public that (I) the information is available as required under clause (i), and (II) a public hearing under subparagraph (A) will be conducted.''.

(c) AMENDMENTS AND MODIFICATIONS TO PLANS.—Subsection (g) of section 5A of the United States Housing Act of 1937 (42 U.S.C.

1437c–1(g)) is amended by adding at the end the following new paragraph:

''(3) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—Except to the extent that this subsection applies to annual public housing agency plans, nothing in this section may be construed to exempt a qualified small public housing agency from the requirements under this subsection.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I ask that all Members have 5 legislative days within which to revise and extend their remarks on this bill and include therein any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

This is a bill that was brought forward in the previous Congress by the gentleman from Texas. It is very important that we regulate when necessary; it is equally important that we not regulate when it is unnecessary. This is an example of our recognition of that principle.

We have rules that govern housing authorities. These are complex and difficult issues that housing authorities face. But one set of rules should not be made to fit all. Smaller housing authorities ought to have more flexibility than the larger housing authorities. This bill, brought forward by the gentleman from Texas, and I congratulate him for his persistence in calling this to the attention of the committee, acts on that principle.

It exempts from excessive regulation, but not entirely from regulation, smaller housing authorities. In particular, I would just say that there was a rule for example that plans be made every 5 years and in some cases housing authorities have to report on certain things every year. In this case what we would say is that the smaller housing authorities would file their plan every 5 years and only if there are any changes of any significance in the covered matters would they have to report again. So it would save a lot of time, energy, and paperwork for the smaller housing authorities. It will help these people with the difficult job that they do.

I thank the gentleman for bringing the bill forward.

Madam Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 3067, the Small Public Housing Authority Act.

Like many of my colleagues, I represent a rural district where most of the public housing authorities operate in small communities. In fact, many of the PHAs in my district administer fewer than 200 housing units and some even have part-time directors or directors who split their time between public housing authorities. For many of those small public housing authorities, excessive paperwork requirements and outdated regulatory burdens continue to create an unnecessary distraction from their important work of providing affordable housing for underprivileged families.

For example, the 1992 Public Housing Reform Act requires PHAs to submit both a 5-year and an annual plan to the Department of Housing and Urban Development. While the annual plans were designed to address changes to the 5-year plan, small PHAs are already required by law to submit any policy changes, as the gentleman from Massachusetts said, to HUD for review and approval. This yearly report of unchanged plans and policy amounts to an unnecessary Federal mandate. While HUD has taken regulatory steps to streamline this annual reporting for small PHAs that are performing well, a recent example of one of the streamlined plans was 47 pages with attachments. So small public housing authorities just do not have the time and the staff and the resources to complete these annual plans by themselves and in many cases have to use outside vendors or contractors, expensive consultants to do the work that they don't have the computer software to do themselves to complete these annual plans.

For this reason, I have introduced H.R. 3067, the Small Public Housing Act. This legislation would bring long-needed regulatory relief to our small PHAs by exempting those that are 250 fewer units and section 8 vouchers from continuing the requirement of an annual plan if there is no material change in the operations during that year. So if they have some material change they still have to do it, but if it is just business as usual, then they do not have to make that submission. They still have to submit their 5-year plan, as is required by law.

H.R. 3067 only addresses, as I said, the annual plans. This legislation will provide an opportunity where they don't have to spend their much-needed resources and time away from doing what they need to be doing, and that is helping to provide affordable housing for our most needy folks.

I would just want to thank the gentleman from Massachusetts for his interest in public housing. This bill passed overwhelmingly in the previous Congress. Unfortunately, the time ran out, and we did not get that done from the other body. As a matter of fact, it passed 387–2; so I think there is broad support for this. I appreciate Chairwoman WATERS' Housing Subcommittee as well as Ranking Member BIGGERT and, of course, Ranking Member BACHUS for their support for this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I thank the staffs of the majority and minority, who worked very well together on this, as they do on many bills.

Mr. PEARCE. Madam Speaker, I rise today in support of H.R. 3067, the Small Public Housing Authority Act.

Like many of my colleagues, I represent a rural district where most of the Public Housing Authorities (PHAs) operate in small communities. These small PHAs face excessive paperwork requirements and outdated regulatory burdens which undermine their ability to provide affordable housing to underprivileged families.

Currently, all PHAs are required to submit both 5-year and annual plans to the Department of Housing and Urban Development, HUD. However, these PHAs do not have the time, staff or resources to complete these annual plans and often have to hire expensive consultants to help complete these annual plans.

I am pleased that my friend, Mr. NEUGEBAUER from Texas, has taken the steps needed to alleviate this burden on small PHAs by introducing H.R. 3067, the Small PHA Act. This legislation will bring long needed regulatory relief to small PHAs by exempting those with 250 or fewer public housing units and Section 8 vouchers from the requirement of submitting an annual plan to HUD.

Today, I urge my colleagues to once again support regulatory relief for small PHAs by supporting H.R. 3067.

Mr. FRANK of Massachusetts. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3067, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NASA 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2750) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2750

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''NASA 50th Anniversary Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The National Aeronautics and Space Administration began operation on October 1, 1958, with about 8,000 employees and an annual budget of $100,000,000.

(2) Over the next 50 years, the National Aeronautics and Space Administration has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

(3) Among the many firsts by the National Aeronautics and Space Administration are the following:

(A) On December 6, 1958, the United States launched Pioneer 3, the first United States satellite to ascend to an altitude of 63,580 miles.

(B) On March 3, 1959, the United States sent Pioneer 4 to the Moon, successfully making the first United States lunar flyby.

(C) On April 1, 1960, the United States launched TIROS 1, the first successful meteorological satellite, observing Earth's weather.

(D) On May 5, 1961, Freedom 7, carrying Astronaut Alan B. Shepard, Jr., was the first American space flight involving human beings.

(E) On February 20, 1962, John Glenn became the first American to circle the Earth, making three orbits in his Friendship 7 Mercury spacecraft.

(F) On December 14, 1962, Mariner 2 became the first spacecraft to commit a successful planetary flyby (Venus).

(G) On April 6, 1965, the United States launched Intelsat I (also known as Early Bird 1), the first commercial satellite (communications), into geostationary orbit.

(H) On June 3–7, 1965, the second piloted Gemini mission, Gemini IV, stayed aloft for 4 days and astronaut Edward H. White II performed the first EVA or spacewalk by an American.

(I) On June 2, 1966, Surveyor 1 became the first American spacecraft to soft-land on the Moon.

(J) On May 31, 1971, the United States launched Mariner 9, the first mission to orbit another planet (Mars) beginning November 13, 1971.

(K) On April 12, 1981, the National Aeronautics and Space Administration launched the Space Shuttle Columbia on the first flight of the Space Transportation System (STS–1).

(L) On June 18, 1983, the National Aeronautics and Space Administration launched Space Shuttle Challenger (STS–7) carrying 3 mission specialists, including Sally K. Ride, the first woman astronaut.

(M) In another historic mission, 2 months later the National Aeronautics and Space Administration launched STS–8 carrying the first black American astronaut, Guion S. Bluford.

(N) On July 23, 1999, the Space Shuttle Columbia's 26th flight was led by Air Force Col. Eileen Collins, the first woman to command a Shuttle mission.

(4) On April 9, 1959, the National Aeronautics and Space Administration unveiled the Mercury astronaut corps, 7 men with ''the right stuff'': John H. Glenn, Jr., Walter M. Schirra, Jr., Alan B. Shepard, Jr., M. Scott Carpenter, L. Gordon Cooper, Virgil I. ''Gus'' Grissom, and Donald K. ''Deke'' Slayton.

(5) On May 25, 1961, President John F. Kennedy, reflecting the highest aspirations of the American people, proclaimed: ''I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to Earth. No single space project in this period will be more impressive to mankind, or more important in the long-range exploration of space; and none will be so difficult or expensive to accomplish.''

(6) On September 19, 1961, the National Aeronautics and Space Administration announced that the National Aeronautics and Space Administration center dedicated to human space flight would be built in Houston, Texas.

(7) On February 17, 1973, the Manned Spacecraft Center in Houston was renamed the Lyndon B. Johnson Space Center.

(8) On December 21, 1968, Apollo 8 took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon.

(9) As Apollo 8 traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile ''blue marble'' hanging in the blackness of space.

(10) This transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties.

(11) On July 20, 1969, Apollo 11 astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the Apollo command module.

(12) Armstrong set foot on the surface, telling the millions of listeners that it was ''one small step for a man, one giant leap for mankind''; Aldrin soon followed and planted an American flag, but omitted claiming the land for the United States as had routinely been done during European exploration of the Americas.

(13) The 2 Moon walkers left behind an American flag and a plaque bearing the inscription: ''Here Men From The Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We Came in Peace for All Mankind.''.

(14) On April 24, 1990, the Hubble Space Telescope was launched into space aboard the STS-31 mission of the Space Shuttle Discovery and since then the Hubble has revolutionized astronomy while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space.

(15) On July 4, 1997, the Mars Pathfinder landed on Mars and on January 29, 1998, an International Space Station agreement among 15 countries met in Washington, DC, to sign agreements to establish the framework for cooperation among the partners on the design, development, operation, and utilization of the Space Station.

(16) The National Aeronautics and Space Administration's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice; in the quest to explore the universe, many National Aeronautics and Space Administration employees have lost their lives, including the crews of Apollo 1, the Space Shuttle Challenger, and the Space Shuttle Columbia.

(17) The success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century; this leadership is attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers as follows:

(A) From small spacecraft to supercomputers, science missions and payloads to thermal protection systems, information technology to aerospace, the Ames Research Center in California's Silicon Valley provides products, technologies, and services that enable NASA missions and expand human knowledge.

(B) The Dryden Flight Research Center, the leading center for innovative flight research.

(C) The Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research.

(D) The Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space.

(E) The Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System.

(F) The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions.

(G) The Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond.

(H) The Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives.

(I) The Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems, engineers the future to accelerate exploration and scientific discovery.

(J) The Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology.

(18) The United States should pay tribute to the National Aeronautics and Space Administration, and to its successful partnerships with the space and research centers, by minting and issuing a commemorative silver dollar coin.

(19) The surcharge proceeds from the sale of a commemorative coin would generate valuable funding for the National Aeronautics and Space Administration Families Assistance Fund for the purposes of providing need-based financial assistance to the families of the National Aeronautics and Space Administration personnel who die as a result of injuries suffered in the performance of their official duties.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $50 GOLD COINS.—Not more than 50,000 $50 gold coins which shall—

(A) weigh 33.931 grams;

(B) have a diameter of 32.7 millimeters; and

(C) contain 1 troy ounce of fine gold.

(2) $1 SILVER COINS.—Not more than 300,000 $1 coins of each of the 9 designs specified in section 3(a)(3)(B), which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) MINTAGE LEVEL LIMIT.—Notwithstanding the mintage level limit described under section 5112(m)(2)(A)(ii) of title 31,

United States Code, the Secretary of the Treasury may mint and issue not more than 300,000 of each of the 9 $1 coins authorized to be minted under this Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 50 years of exemplary and unparalleled achievements of the National Aeronautics and Space Administration.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2008''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum'', and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) $50 COINS.—

(i) OBVERSE.—The obverse of the $50 coins issued under this Act shall bear an image of the sun.

(ii) REVERSE.—The reverse of the $50 coins issued under this Act shall bear a design emblematic of the sacrifice of the United States astronauts who lost their lives in the line of duty over the course of the space program.

(iii) HIGH RELIEF.—The design and inscriptions on the obverse and reverse of the $50 coins issued under this Act shall be in high relief.

(B) $1 COINS.—

(i) OBVERSE.—The obverse of the $1 coins issued under this Act shall bear 9 different designs each of which shall consist of an image of 1 of the 9 planets of the solar system, including Earth.

(ii) REVERSE.—The reverse of the $1 coins issued under this Act shall bear different designs each of which shall be emblematic of the contributions of the research and space centers, subject to the following requirements:

(I) EARTH COIN.—The reverse of the $1 coins issued under this Act which bear an image of the Earth on the obverse shall bear images emblematic of, and honoring, the discoveries and missions of the National Aeronautics and Space Administration, the Mercury, Gemini and Space Shuttle missions and other manned Earth-orbiting missions, and the Apollo missions to the Moon.

(II) JUPITER COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Jupiter on the obverse shall include a scientifically accurate depiction of the Galilean moon Europa and depict both a past and future mission to Europa.

(III) SATURN COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Saturn on the obverse shall include a scientifically accurate depiction of the moon Titan and depict both a past and a future mission to Titan.

(IV) PLUTO (AND OTHER DWARF PLANETS) COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Pluto on the obverse shall include a design that is emblematic of telescopic exploration of deep space by the National Aeronautics and Space Administration and the ongoing search for Earth-like planets orbiting other stars.

(4) REALISTIC AND SCIENTIFICALLY ACCURATE DEPICTIONS.—The images for the designs of coins issued under this Act shall be selected on the basis of the realism and scientific accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called ''Golden Age of Coinage'' in the United States, at the beginning of the Twentieth Century, with the participation of such noted sculptors and medallic artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Administrator of the National Aeronautics and Space Administration and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in proof quality only.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2008.

(d) ISSUANCE OF GOLD COINS.—Each gold coin minted under this Act may be issued only as part of a complete set with 1 of each of the 9 $1 coins minted under this Act.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) PRESENTATION.—In addition to the issuance of coins under this Act in such other methods of presentation as the Secretary of the Treasury determines to be appropriate, the Secretary shall provide, as a sale option, a presentation case which displays the $50 gold coin in the center surrounded by the $1 silver coins in elliptical orbits. All such presentation cases shall bear a plaque with appropriate inscriptions that include the names and dates of the spacecraft missions on which United States astronauts lost their lives over the course of the space program and the names of such astronauts.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $50 per coin for the $50 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly distributed as follows:

(1) The first $4,000,000 available for distribution under this section, to the NASA Family Assistance Fund for the purposes of providing need-based financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties.

(2) Of amounts available for distribution after the payment under paragraph (1), ½ of the next $1,000,000 to each of the following:

(A) The Dr. Ronald E. McNair Educational (D.R.E.M.E.) Science Literacy Foundation for the purposes of improving and strengthening the process of teaching and learning science, math, and technology at all educational levels, elementary through college through the promotion of innovative educational programs.

(B) The Dorothy Jemison Foundation for Excellence for the purposes of supporting the work of the Foundation in building critical thinking skills, experiential teaching methods, science literacy, and integrated approaches to learning and individual responsibility in achieving excellence.

(3) The remainder of the amounts available for distribution after the payments under paragraphs (1) and (2), to the Secretary of the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

(c) AUDITS.—The NASA Family Assistance Fund, the Dr. Ronald E. McNair Educational Science Literacy Foundation, the Dorothy Jemison Foundation for Excellence, and the Secretary of the Smithsonian Institution shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. BRONZE DUPLICATES.

The Secretary may strike and sell bronze duplicates of the $50 gold coins authorized under this Act, at a price the Secretary determines to be appropriate. Such duplicates shall not be considered to be United States coins and shall not be legal tender.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. CULBERSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Allow me, first of all, to acknowledge the chairperson of the Financial Services Committee as I rise in strong support of H.R. 2750, the NASA 50th Anniversary Commemorative Coin Act. Chairman FRANK has been an outstanding leader of his committee and has been very gracious in the formulating and finalizing of this legislation. I thank him again. I thank his staff and, of course, the staff of the ranking member.

Let me also thank my colleague from Texas (Mr. CULBERSON), who joined me in introducing this legislation. And, of course, we have worked very handily together, if you will. I thank his staff. And together we are committed to affirming and celebrating the 50th anniversary of NASA and as well the 50th anniversary of the Jet Propulsion Lab.

Let me just quickly acknowledge the founding of NASA in October, 1958, and remind my colleagues of all the successes that we have accomplished through the belief, as John F. Kennedy said, that we can explore space.

Might I acknowledge and remind my colleagues of February 20, 1962, John Glenn's becoming the first American to circle the Earth. On April 6, 1965, the United States launched *Intelsat I*. On November 13, 1971, *Mariner 9* was launched. In 1981, NASA launched the space shuttle *Columbia*. And on June 18–24, 1983, NASA launched the space shuttle *Challenger*.

□ 2000

Of course, we have faced some sad moments in NASA's history, but overall, as we look toward the future and have reflected on July 22, 1999, Space Shuttle *Columbia*, and then of course July 20, 1969, *Apollo 11*, we know that tragedy has faced NASA, but we also know that we have faced tragedy with a certain determination and commitment to space exploration.

This coin bill will, in fact, allow us to commemorate a number of the centers and the 50 years of success of NASA and the Jet Propulsion Lab. But it also will provide a comfort to those families of *Challenger* and *Columbia* by providing aid to the families. It will give the coin collectors, I hope, a great day of celebration, and it will give those who are interested in studying and producing more Americans in math and science an opportunity to promote and support programs that will encourage young people to go into math and science.

I believe that this bill is one that all of us can support. It is a bipartisan bill.

Madam Speaker, I rise in strong support of H.R. 2750, the NASA 50th Anniversary Commemorative Coin Act. I would like to thank my colleague Mr. CULBERSON, who joined me in introducing this legislation, and Chairman FRANKS of the Financial Services Committee, for his excellent leadership in shepherding this historic legislation to passage on the House floor.

The year 2008 will mark the 50th anniversary of the creation of the National Aeronautics and Space Administration (NASA) and the Jet Propulsion Laboratory (JPL). This important legislation celebrates NASA's 50th birthday with a commemorative coin. The legislation also honors the extraordinary partnerships between NASA and its 10 space and research centers.

Madam Speaker, NASA has a distinguished history. The United States of America won the race to land a man on the moon and, thanks to the courage, dedication, and brilliance of NASA, America has continued to lead the world in the exploration of the solar system and the universe.

On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish."

Always at the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration, from the 1958 launch of *Pioneer 3*, the first U.S. satellite to ascend to an altitude of 63,580 miles, to the January 1998 signing of the International Space Station agreement between 15 countries, establishing the framework for cooperation among partners on the design, development, operation, and utilization of the Space Station. Over the past 50 years, NASA's accomplishments have included:

On 20 Feb. 1962, John Glenn became the first American to circle the Earth, making three orbits in his *Friendship 7* Mercury spacecraft.

On 6 Apr. 1965, the United States launched *Intelsat I*, the first commercial satellite (communications), into geostationary orbit. On 13 Nov. 1971, the United States launched *Mariner 9*, the first I mission to orbit another planet (Mars).

On 12 Apr. 1981, NASA launched the Space Shuttle *Columbia* on the first flight of the Space Transportation System (STS–1).

On 18–24 Jun. 1983, NASA launched Space Shuttle *Challenger* (STS–7) carrying three mission specialists, including Sally K. Ride, the first woman astronaut. In another historic mission, two months later NASA launched STS–8 carrying the first black American astronaut, Guion S. Bluford.

On 22 Jul. 1999, the Space Shuttle *Columbia*'s 26th flight was led by Air Force Col. Eileen Collins, the first woman to command a Shuttle mission.

On July 20, 1969, *Apollo 11* astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the *Apollo* command module. Armstrong set foot on the surface, telling the millions of listeners that it was "one small step for man—one giant leap for mankind." Aldrin soon followed him out and planted an American flag but omitted claiming the land for the U.S. as had routinely been done during European exploration of the Americas. The two Moon-walkers left behind an American flag and a plaque bearing the inscription: "Here Men From Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We Came in Peace for All Mankind."

On April 24, 1990, the Hubble Space Telescope was launched into space aboard the STS–31 mission of the Space Shuttle *Discovery*. The Hubble has revolutionized astronomy while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space."

Madam Speaker, in addition to these historic events, NASA has greatly contributed to our understanding of our universe. In 1968, *Apollo 8* took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon. As *Apollo 8* traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile "blue marble" hanging in the blackness of space.

This transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties.

The success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of NASA and a lodestar Houston area. The other nine research and space centers are:

1. The Ames Research Center in California's Silicon Valley provides products, technologies, and services that enable NASA missions and expand human knowledge in areas as diverse as small spacecraft and supercomputers, science missions and payloads, thermal protection systems and information technology.

2. The Dryden Flight Research Center, the leading center for innovative flight research.

3. The Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research.

4. The Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space.

5. The Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System.

6. The Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond.

7. The Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives.

8. The Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems, engineers the future to accelerate exploration and scientific discovery.

9. The Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology.

NASA's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice. In the quest to explore the universe, many NASA employees

have lost their lives, including the crews of Apollo 6, the Space Shuttle *Challenger*, and the Space Shuttle *Columbia*.

The surcharge proceeds from the sale of a coin commemorating the contributions of NASA will generate valuable funding for the NASA Families Assistance Fund for the purposes of need-based financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties. And equally important, proceeds from the sale of commemorative coins will also benefit the Dr. Ronald E. McNair Educational, DREME, Science Literacy Foundation, which is dedicated to improving and strengthening the process of teaching and learning science, math, and technology at all educational levels, elementary through college through the promotion of innovative educational programs.

This legislation also benefits the Dorothy Jemison Foundation for Excellence which is dedicated to building critical thinking skills, experiential teaching methods, science literacy, and integrated approaches to learning and individual responsibility in achieving excellence. The remainder of the proceeds after distribution to the NASA Families Assistance Fund and the DREME and Jemison Foundations are slated to go the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

Madam Speaker, in the centuries to come, when space travel will be commonplace and America will have successfully led the way for humanity to colonize and utilize the resources of other planets, these first 50 years of NASA's existence will be remembered as the most significant era of human space exploration. It is, therefore, important that we commemorate the great achievements of NASA's first 50 years.

In closing, Madam Speaker, let me also thank the Staff of the Financial Services Committee on this legislation. I also wish to pay special tribute to Yohannes Tsehai and Gregory Berry of my staff. Without their valuable contributions this significant legislative achievement would not have been possible. I strongly urge my colleagues to join me in supporting this historic legislation.

Madam Speaker, at this time, I reserve the balance of my time.

Mr. CULBERSON. Madam Speaker, I yield myself such time as I may consume in support of H.R. 2750.

I want to, first of all, thank the chairman of the committee, Chairman FRANK, for his insistence in bringing this bill to the floor throughout this process. I want to thank my colleague from Houston, Congresswoman SHEILA JACKSON-LEE. Thank you so much, SHEILA. It's been a pleasure working with you on this important bill honoring the 50th anniversary of NASA, an organization whose exploration of outer space has truly touched the lives and hearts, I think, of every American today, can relate to the experience I know so many Americans had on the 31st of January, 1958, when the very first U.S. satellite, *Explorer 1*, was launched into orbit. In response to the Soviet Union's launching of *Sputnik*, the Jet Propulsion Laboratory, which had been set up under the guidance of the United States Army, put together *Explorer 1* and built it and launched it. And before the year was out, Congress had created the National Aeronautics and Space Administration on December 3, 1958.

So next year is a golden anniversary for NASA, and the National Aeronautics and Space Administration has given the people of the United States many, many things to be proud of. NASA has gone on to explore, from that first launch of that first satellite, the entire solar system and much of the visible universe with the help of the Hubble Space Telescope and the Spitzer Space Telescope.

We now have telescopes in orbit, Madam Speaker, around the Earth that have identified up to 160 planets around other solar systems. NASA has discovered, with the Mars Rovers, that liquid water not only once existed on the surface of Mars, but it appears that there are large frozen lakes on Mars today.

We have landed on the surface of the moon, Titan. We not only landed men on the moon with a very successful Apollo program, but we are today, under President Bush's vision and the leadership of our new NASA administrator, Mike Griffin, rapidly moving towards the day very soon when men and women will return to the surface of the moon.

The accomplishments of NASA, JPL, and all of the research labs under NASA are absolutely extraordinary, but this exploration has not come without loss. As with all exploration that is new, it has been dangerous. On January 27, 1967, America tragically lost three Apollo astronauts on the launch pad because of a fire in *Apollo I*. Changes were made to the program, and the spacecraft became much safer and we moved on and beyond that terrible tragedy. And then of course we lost the Space Shuttle *Challenger* on January 28, 1986, with its entire crew, a terrible day that I know many of us remember. And then most recently, tragically, on February 1, 2003, the Space Shuttle *Columbia* was lost during reentry with its entire seven-man crew.

Therefore, in the design of this coin set, my coauthor and I, Congresswoman JACKSON-LEE, have proposed that the centerpiece of the coin will be a $50 high-relief-proof gold piece that will honor the lives of the astronauts who have lost their lives in the exploration of space. On that $50 gold piece will be an image of the sun. Then arranged around it will be nine silver-proof dollars, each one representing a different planet in our solar system and each one commemorating missions to that planet as put together by each of the different NASA centers. And the silver dollar for the planet Earth will of course have on the reverse side a design emblematic of the Apollo mission as well as Earth orbital missions.

This commemorative coin set, Madam Speaker, is just one small piece of ongoing work that Congress is doing in support of NASA. And it's really difficult to measure the value of what NASA has done for the United States and for all mankind in exploring space. Asking what NASA has done for the United States and for all of humanity is a little like the question facing Americans 200 years ago when Congress authorized the Lewis and Clark Expedition. No one knew at the time what Lewis and Clark might find. They didn't know what resources might lie out there. They did not know what the unchartered blank spots on the western American map would yield. And it was impossible, 200 years ago, to measure the value of the discoveries, the minerals, the animal species, the incredible new horizons that Lewis and Clark would discover; no way to measure that.

And I think equally here today, Americans standing on the brink of the 21st century cannot place a value or measure on the discoveries that the men and women of NASA, our brave astronaut core and all the scientists and engineers who work at NASA, the Jet Propulsion Laboratory, Goddard, the Applied Physics Lab, and all the research centers around the country that have helped the American space program lead the world.

I am very proud to be a lead coauthor on this bill and helping honor the men and women of NASA and the extraordinary discoveries that NASA has made, and also to remind Americans of the value we each enjoy with miniaturization of computers, medical technology, heart pumps, valves, power generators, image processing, cell phone technology, CAT scanners, MRI machines. All of the extraordinary technological innovations that we touch on a daily basis have come from our work on the space program.

I am proud to be here today with my coauthor, Congresswoman SHEILA JACKSON-LEE, on a bill that is strongly supported in a bipartisan way. It was passed unanimously last Congress. I am confident we will enjoy that kind of support today for this coin set honoring NASA's 50th anniversary.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is my pleasure to yield such time as he might consume to the chairman of the Financial Services Committee, Mr. BARNEY FRANK. And I thank him so very much for his leadership.

Mr. FRANK of Massachusetts. Madam Speaker, I am very happy to see this bill here today; one, because it is important that we commemorate NASA. And secondly, as a tribute to the persistence of the gentlewoman from Houston and the gentleman from Houston, I am particularly glad that we are passing this bill because it will mean I will get an extra 2 hours a week because I've spent about 2 hours a week talking to them since January. So for both reasons, I am very happy that this very worthy bill is about to pass.

I submit the following correspondence:

COMMITTEE ON WAYS AND MEANS
Washington, DC, July 30, 2007.

HON. BARNEY FRANK,
Chairman, Financial Services Committee, Washington, DC.

DEAR BARNEY: I am writing regarding H.R. 2750, the NASA 50th Anniversary Commemorative Coin Act.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 2750 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2750, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC. July 30, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHARLIE: I am writing in response to your letter regarding H.R. 2750, the ''NASA 50th Anniversary Commemorative Coin Act,'' which was introduced in the House and referred to the Committee on Financial Services on June 15, 2007. It is my understanding that this bill be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 2750 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Mr. CULBERSON. Madam Speaker, I thank my coauthor, and I urge Members of the House to pass this legislation honoring NASA's 50th anniversary.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. As I close, Madam Speaker, let me simply put in the RECORD the different research centers that will be honored: The Ames Research Center in California; Silicon Valley; the Dryden Flight Research Center; the Glenn Research Center; the Goddard Space Flight Center, that is our neighbor here in the Washington, D.C. area and represented by our own majority leader, Mr. HOYER, which I would like to pay a special tribute and appreciation to, and to his staff and his chief of staff; the Jet Propulsion Lab that is in California; the Kennedy Space Center in Florida; the Langley Research Center; the Marshall Space Flight Center; the Stennis Space Center; and of course the Johnson Space Flight Center in Houston, Texas. All of these will be recognized.

And certainly to the astronauts and certainly to the loved ones of those fallen, and yet the future astronauts, who will be trained by funding in this bill, I thank them again. Let me thank Mr. OBEY of Mr. FRANK's staff, and my staff, Mr. Tsehai and Mr. BERRY.

Mr. CULBERSON. Will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield.

Mr. CULBERSON. If I could yield quickly for a point of legislative intent clarification.

I notice the intent of my cosponsor that these centers, and I agree completely, they all need to be recognized and honored, but of course the front of the coin is going to represent each one of the nine planets. And it is your intent, as I know it is mine, that the reverse of the coin reflect and honor the research center that contributed to missions to that particular planet is what I'm confident you mean.

Ms. JACKSON-LEE of Texas. The calling out of the names of the centers, if I may reclaim my time, is to indicate that all of them are part of the NASA family. And we are honoring NASA for its 50 years, so we wanted to make sure all of them were counted in the RECORD.

Mr. CULBERSON. But in particular, in relation to those planets that they led the effort to explore.

Ms. JACKSON-LEE of Texas. That is correct.

Mr. CULBERSON. Thank you very much.

Ms. JACKSON-LEE of Texas. Madam Speaker, we are hoping that all of the young people will enjoy this coin, and we hope that it will further science and exploration. I would ask my colleagues, and thanking my cosponsor and the 300-plus Members of this House, in supporting this bill.

I ask my colleagues to support this bill and move us forward in science and opportunity for a greater future for this country.

Mr. PAUL. Mr. Speaker, I am pleased to cosponsor H.R. 2750, which directs the United States Treasury to create a commemorative coin honoring the 50th Anniversary of the National Aeronautics and Space Administration (NASA). From the early space flights of the 1960s to Neil Armstrong's ''small step for mankind'' to last year's successful missions of the Space Shuttle *Atlantis* and the Space Shuttle *Discovery*, NASA's has a long and impressive record of accomplishments that should be a source of pride to all Americans.

As a representative of the Gulf Coast of Texas, which is home to many of NASA's most significant triumphs, I have had the opportunity to meet many NASA employees. I have always been impressed by their professionalism and dedication to their mission.

What philosopher Ayn Rand wrote of the moon landing in 1969 applies to all of NASA's missions: ''Think of what was required to achieve that mission: think of the unpitying effort; the merciless discipline; the courage; the responsibility of relying on one's judgment; the days, nights and years of unswerving dedication to a goal; the tension of the unbroken maintenance of a full, clear mental focus; and the honesty. It took the highest, sustained acts of virtue to create in reality what had only been dreamt of for millennia.'' I encourage all of my colleagues and all Americans to join me in commending NASA for 50 years of accomplishments by supporting H.R. 2750.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 2750, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PURPLE HEART RECOGNITION DAY

Mrs. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the Senate concurrent resolution (S. Con. Res. 27) supporting the goals and ideals of ''National Purple Heart Recognition Day,'' as amended.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 27

Whereas the Purple Heart is the oldest military decoration in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in action against an enemy of the United States or are wounded while held as prisoners of war, and is awarded posthumously to the next of kin of members of the Armed Forces who are killed in action against an enemy of the United States or who die of wounds received in action against an enemy of the United States;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1.5 million recipients of the Purple Heart: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of ''National Purple Heart Recognition Day'';

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of Senate Concurrent Resolution 27, which calls upon this Nation to take one day per year to honor those brave warriors whose tremendous dedication and self-sacrifice have earned them the Purple Heart.

As noted earlier today, the Purple Heart is awarded by a grateful Nation to those brave soldiers, marines, sailors and airmen who have been wounded in battle while protecting their fellow citizens from enemies of the United States.

Established in 1792 during the Revolutionary War as the Badge of Military Merit, this sacred metal was revived in 1932, 200 years after the birth of George Washington. To date, there have been over 1.5 million recipients of the Purple Heart. This number gives me pause. Over 1.5 million Americans have been wounded, injured, and some have even given their lives so that we might stand here today as the oldest democracy in the world. Their families have endured hardship; their children have had to deal with fear and uncertainty that their brave and heroic father or mother may not return from keeping them safe.

I cannot help but feel that we, as beneficiaries of this sacrifice, owe these brave men and women time to reflect on the price of our freedom. We should stand shoulder to shoulder with the military families of this great Nation to recognize our military going into harm's way, to pray for their safe return, and when that fateful moment comes, to honor the bravery and the courage of warriors who did not blink in the face of danger, but who sacrificed for the democratic ideals that we cherish.

That is why a resolution supporting a national day to commemorate our brave men and women who have so valiantly earned the Purple Heart has been brought to the floor of Congress today.

I want to take this moment to recognize our colleagues in the other body, the gentlewoman from New York, the honorable Mrs. CLINTON, and the gentleman from Nebraska (Mr. HAGEL) for their sponsorship of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution that calls upon all people in the United States to conduct appropriate ceremonies, activities and programs to demonstrate support, thanks and appreciation for the estimated 1.5 million very special members of the Armed Forces, past and present, who have been awarded the Purple Heart.

The Purple Heart is awarded only for those who are killed or wounded in action against the United States of America. So it is fitting that we honor and recognize their sacrifices on National Purple Heart Recognition Day, as well as recall GEN George Washington's order 225 years ago on August 7, 1782, that established the Badge of Military Merit, the predecessor of the Purple Heart.

□ 2015

In 2001, in connection with the announcement of the creation of the National Purple Heart Hall of Honor, my former colleague, Ben Gilman, a New York Representative, a World War II veteran of the Army Air Corps, made the following statement. It is a statement that for me helps to put in context why we should make a special effort on National Purple Heart Recognition Day. Congressman Gilman said: ''The Purple Heart is probably the most recognizable military award in the United States. Every school child knows the medal is awarded to our brave American military who are wounded in the line of duty.''

If we are to ensure that Americans, even down to every school child, continue to recognize the significance of the Purple Heart and the sacrifices of the men and women who earned it, then we must make the effort to commemorate and educate this and future generations. Support for this resolution is one way to begin that effort.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Madam Speaker, National Purple Heart Recognition Day is August 7, 2007. This year, we celebrate the 225th anniversary of the Badge of Military Merit. This medal, the forerunner of the modern Purple Heart, was designed by GEN George Washington in his headquarters in Newburgh, New York, in the Hudson River Valley.

The badge, given for ''any singularly meritorious Action,'' was the ''figure of a Heart in Purple Cloth or Silk edged with narrow Lace or Binding to be worn on the uniform coat above the left breast.''

After falling into disuse after the Revolutionary War, GEN Douglas MacArthur had a new medal designed based on the Badge of Military Merit. This medal, the modern Purple Heart, was awarded for meritorious action or for receiving a wound in combat with the enemy.

Since that time, more than 1.5 million people have received the Purple Heart. These men and women sacrificed for our country. Many never came home. The Purple Heart recognizes their sacrifice and their service protecting the rights and liberties we enjoy at home.

National Purple Heart Recognition Day serves to remind the country of those who have suffered injury or death in the defense of our country. It is always right to remember and honor those who have sacrificed, and this resolution encourages Americans to learn more about the history of the Purple Heart and its recipients.

This year, on National Purple Heart Recognition Day, recipients and their families will come together at the Purple Heart Hall of Honor in the town of New Windsor at the New Windsor Cantonment site in the Hudson River Valley of New York, in New York's 19th Congressional District, which I am proud to represent, and Orange County, a county which the aforementioned Congressman Gilman represented so ably. There, they will recognize the anniversary of the Badge of Military Merit, the 75th anniversary of the Purple Heart, and, most importantly, the price that the recipients and their families have paid protecting our country.

I ask that the House pass this resolution to recognize those who will gather in New Windsor on August 7 to honor the sacrifices and suffering of Purple Heart recipients and their families and to remember those who paid the ultimate price and are no longer with us.

Mr. JONES of North Carolina. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 27, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECOGNIZING 75TH ANNIVERSARY OF THE MILITARY ORDER OF THE PURPLE HEART

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 49) recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 49

Whereas the Purple Heart is a combat decoration awarded to members of the Armed Forces who are wounded by an instrument of war wielded by the enemy and posthumously to the next of kin in the name of members who are killed in action or die of wounds received in action;

Whereas the Purple Heart was originally conceived as the Badge of Military Merit by General George Washington on August 7, 1782;

Whereas 2007 marks the 225th anniversary of the Badge of Military Merit, the predecessor of the Purple Heart Medal;

Whereas the practice of awarding the Purple Heart was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements;

Whereas over 1.5 million Purple Heart Medals have been awarded to members of the Armed Forces fighting in defense of freedom and democracy in the Civil War, the Spanish-American War, World War I, World War II, the Korean War, the Vietnam War, Somalia, Bosnia, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, and other expeditionary conflicts;

Whereas the organization known as the Military Order of the Purple Heart was formed on October 19, 1932, for the protection and mutual interest of members of the Armed Forces who have received the Purple Heart; and

Whereas the Military Order of the Purple Heart is composed exclusively of recipients of the Purple Heart: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the Military Order of the Purple Heart on its 75th anniversary as a national organization whose goals are to preserve and sustain the honor of the Armed Forces;

(2) commends all recipients of the Purple Heart for their courage and sacrifice on behalf of the United States; and

(3) encourages all Americans to take time to learn about the Purple Heart and the honor, courage, and bravery it symbolizes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 49, introduced by the gentleman from North Carolina (Mr. JONES), my good friend and colleague on the House Armed Services Committee.

This resolution honors the men and women in the Armed Forces who have demonstrated selfless and heroic acts on the field of battle. They are recipients of the Purple Heart. I am also proud to be a cosponsor of this resolution that so rightly honors those in uniform who sacrifice so much for our country.

This year marks the 75th anniversary of a medal awarded to soldiers, marines, airmen and sailors who have been wounded or killed by an enemy in combat. To date, over 1.5 million members of the Armed Forces have been awarded the Purple Heart, or its predecessor, the Badge of Military Merit, in conflicts spanning from the Civil War to the present-day Operation Iraqi Freedom and the war on terrorism.

The Purple Heart was revived in 1932 on the 200th anniversary of President George Washington's birth. Originally awarded only to Army soldiers in 1942, President Franklin Delano Roosevelt extended the honor to all military services. In 1962, President John F. Kennedy extended the honor to civilians working alongside the military in the time of war.

The Purple Heart is recognized as the oldest military honor in the United States that is still in use and the first to be given to any soldier who is wounded or killed by an enemy of the United States.

Faced with situations from which most people would shrink, our Nation's warriors have gone boldly into battle and met democracy's enemies with a fierce commitment to protect those liberties that allow all of us to stand here today. They recognized the truth so often overlooked by their fellow citizens: a free Nation requires constant protection and constant protectors.

Even in our modern age, complete with all the technology that human intellect can muster, our men and women in the Armed Forces continue to prove that it is selfless and patriotic citizens that must ultimately stand tall to protect our great Nation.

Formed in 1932, the Military Order of the Purple Heart has the solemn obligation and duty to foster an environment of goodwill among combat-wounded veterans, promote patriotism, support necessary legislative initiatives, and, most importantly, provide service to all veterans and their families. It fulfills this mission through community and volunteer efforts and by employing low-income combat veterans. Their sacrifice and dedication to this country are a testament to the quality of individuals who volunteer to serve our Nation in uniform.

So it is important that we honor this sacrifice by congratulating the Military Order of the Purple Heart on its 75th anniversary, commend all recipients of the Purple Heart for their courage and sacrifice on behalf of the United States, and encourage all Americans to take time to learn about the Purple Heart and the honor, the courage, and the bravery it symbolizes.

I would also like to note that the Guam Chapter of the Military Order of the Purple Heart has been a tremendous community leader for all veterans on Guam. Their voice is heard through representation on the Guam Veterans Advisory Council. Our Guam chapter is also accredited to provide assistance to veterans who are applying for VA benefits. The group has been a critical partner for our Nation's most deserving, and we know that the Military Order of the Purple Heart has stood just as strong in communities across the Nation.

At this time, Madam Speaker, I would like to thank Mr. JONES, the sponsor, for his leadership in this cause.

Madam Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentlewoman from Guam for her very kind remarks and comments.

Madam Speaker, I rise in strong support of my resolution that honors the Military Order of the Purple Heart on its 75th anniversary. The Purple Heart was originally conceived as the Badge of Military Merit by GEN George Washington on August 7, 1782. However, it had fallen into disuse after the Revolutionary War.

The practice of awarding the Purple Heart was revived in 1932, as the gentlewoman said, at the 200th anniversary of George Washington's birth. The organization now known as the Military Order of the Purple Heart was also formed in 1932 for the protection and the mutual interest of all who have received the decoration. This year will mark the 75th anniversary of fostering an environment of goodwill and comradery among combat-wounded veterans.

The Purple Heart is a combat decoration awarded to Members of the Armed Forces who are wounded by an instrument of war wielded by the enemy and posthumously to the next of kin in the name of members who are killed in action or die of wounds received in action.

Over 1.5 million Purple Heart medals have been awarded to members of the Armed Forces fighting in defense of freedom and democracy. Today, more than 500,000 recipients of the Purple Heart are still living.

By this resolution, Congress congratulates the Military Order of the Purple Heart on its 75th anniversary as a national organization whose goals are to preserve and sustain the honor of the Armed Forces. It strongly commends all recipients of the Purple Heart for their courage and sacrifice. Americans should take time to learn about the Purple Heart and the honor, courage, and bravery it symbolizes.

Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 49, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: ''Concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courage and sacrifice on behalf of the United States.''.

A motion to reconsider was laid on the table.

HONORING AND EXPRESSING GRATITUDE TO THE 1ST BATTALION OF THE 133RD INFANTRY OF THE IOWA NATIONAL GUARD

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 568) honoring and expressing gratitude to the 1st Battalion of the 133rd Infantry (''Ironman Battalion'') of the Iowa National Guard.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 568

Whereas 476 members of the 1st Battalion, 133rd Infantry of the Iowa National Guard were mobilized for active duty in September and October of 2005;

Whereas 80 members of the 1st Battalion, 133rd Infantry have been providing essential support to the Battalion from Iowa National Guard installations in Waterloo, Iowa, and Dubuque, Iowa, and at least 490 members of the 1st Battalion, 133rd Infantry were deployed to Iraq in April and May of 2006;

Whereas the members of the 1st Battalion, 133rd Infantry have been serving bravely and honorably since those dates in the al-Anbar Province of Iraq, one of the most dangerous parts of the country;

Whereas the 1st Battalion, 133rd Infantry deployed as part of the 1st Brigade Combat Team of the 34th Infantry Division, which has completed the longest continuous deployment of any Army National Guard unit during Operation Iraqi Freedom;

Whereas the 1st Battalion, 133rd Infantry is the longest-serving Iowa Army National Guard unit since World War II;

Whereas the CBS program ''60 Minutes'' devoted an entire hour to telling the story of the 1st Battalion, 133rd Infantry on May 27, 2007;

Whereas the members of the 1st Battalion, 133rd Infantry have completed over 500 missions providing security for convoys operating in the al-Anbar Province;

Whereas the members of the 1st Battalion, 133rd Infantry have logged over 4 million mission miles, and have delivered over one-third of the fuel needed to sustain coalition forces in Iraq;

Whereas the members of the 1st Battalion, 133rd Infantry have detained over 60 insurgents;

Whereas the members of the 1st Battalion, 133rd Infantry were scheduled to return home in April 2007, but had their tours of duty extended until July 2007;

Whereas the members of the 1st Battalion, 133rd Infantry left behind civilian jobs, friends, and families in order to serve the United States;

Whereas 1st Battalion, 133rd Infantry members Sergeant 1st Class Scott E. Nisely and Sergeant Kampha B. Sourivong gave the ultimate sacrifice for their country when they were tragically killed during combat operations near Al Asad, Iraq, on September 30, 2006; and

Whereas the United States will be forever indebted to the soldiers and families of the 1st Battalion, 133rd Infantry for their sacrifices and their contributions to the United States mission in Iraq: Now, therefore be it

Resolved, That the House of Representatives honors and expresses gratitude for the service and sacrifices of the members and families of the 1st Battalion of the 133rd Infantry of the Iowa National Guard upon their return home from their deployment in Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 568, introduced by my colleague from Iowa, Mr. BRALEY, which recognizes the bravery and the tremendous self-sacrifice of the 1st Battalion of the 133rd Infantry of the Iowa National Guard.

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Beginning in September of 2005, this ''Ironman Battalion'' was mobilized for active duty, and by April 2006, 490 members were deployed to al-Anbar Province to support Operation Iraqi Freedom. Since deploying as part of the 1st Brigade Combat Team of the 34th Infantry Division, this Iowa battalion has completed the longest continuous deployment of any Army National Guard unit during the Iraqi war, and is the longest deployed Iowa Guard unit since the Second World War.

They have completed over 500 missions and logged over 4 million mission miles, delivering over one-third of the fuel needed to sustain coalition forces in Iraq.

While performing operations in Anbar, this battalion dutifully detained over 60 insurgents, and they remained steadfast and strong when their tour was extended at a time when this country needed their leadership.

On September 30, 2006, Sergeant First Class Scott E. Nisely and Sergeant Kampha B. Sourivong paid the ultimate sacrifice and courageously laid down their lives for this Nation. It is a solemn and sad occasion when this country's sons and daughters give so much, and often words are insufficient to describe the humble gratitude and dignified thanks that we owe these brave soldiers and their families. In times of war, Madam Speaker, it is important that this Nation, this House, halt for a brief moment and speak with actions what words cannot articulate.

I am honored to rise today on the floor of this House to express the thanks of a grateful Nation to the members and the families of the 1st Battalion of the 133rd Infantry of the Iowa National Guard upon their return home from their deployment in Iraq.

The story of Iowa's 1st Battalion of the 133rd Infantry is even more remarkable because their extended tour of duty in Iraq was a crucial component of the surge policy. This battalion made a great sacrifice that has impacted their family lives and their jobs. However, their unfaltering willingness to serve an extended tour allowed the National Guard to reset the force and begin the process of serving in more predictable deployment cycles. They not only sacrificed for our freedom, but for the betterment of their fellow guardsmen across the Nation.

I want to take this opportunity to thank the men and women of the Iowa National Guard, including MG Ron Dardis, Iowa's Adjutant General. Today this House joins the Iowa delegation in bringing this deserving recognition of their National Guard. We want to commend Mr. BRALEY for his leadership in support of the National Guard.

Today's resolution again highlights the important role that the National Guard continues to fulfill through wartime requirements. Indeed, the National Guard is now an operational force that can simultaneously provide wartime capabilities while protecting the homeland. And to achieve this mission, it has taken the participation and support of every State and territory National Guard. All of us are very proud of our National Guard units, and I am very proud of the contributions of

the Guam National Guard to missions abroad and in the homeland. Today we recognize a National Guard battalion who has sacrificed above and beyond the normal call of duty and expectations placed upon them.

Madam Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution and commend the gentleman from Iowa (Mr. BRALEY) for introducing it. This specific resolution honors and expresses gratitude for the service in Iraq of the 1st Battalion, 133rd Infantry, known as the ''Ironman Battalion'' of the Iowa Army National Guard. Their service has been long and honorable.

The soldiers of this battalion mobilized in the fall of 2005, deployed to Iraq in the spring of 2006, were due to come home in April of this year, but had their tour extended until July of 2007.

For 15 months, their ''boots on the ground'' made a difference in the al-Anbar Province, one of the most dangerous areas in Iraq. They completed more than 500 convoy security missions, logged over 4 million mission miles, and delivered over one-third of the fuel needed to sustain coalition forces in Iraq.

The battalion came home to Iowa on July 25 to welcoming and thankful families and communities, completing a 22-month mobilization. That period of honorable service made the battalion the longest serving Iowa Army National Guard unit since World War II.

While serving in Iraq, two members of the battalion were killed in action in September of 2006: Sergeant First Class Scott Nisely and Sergeant Kampha B. Sourivong.

For their ultimate sacrifice and for the service and sacrifice of the members and families of the 1st Battalion, 133rd Infantry, the Nation owes a debt of gratitude. This resolution helps to remind us of that debt. Today, Congress, by this resolution, honors and thanks the men and women of this unit and their families for their dedication and selfless service to the people of America.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Madam Speaker, I thank the gentlewoman for yielding me this time to speak on this very important occasion.

As an original cosponsor of this resolution, I join with my good friend and colleague, and many others, Representative BRALEY of Iowa, as we celebrate the great service this unit has given.

They are brave people. You have heard the time they served. They returned home with the distinction of being the longest serving Iowa National Guard unit since World War II. I want to personally thank them for their service to our country. The brave men and women who make up the unit are something that we are very proud of, and I feel some relation to them, as others do in the Congress, because of my own past service in another war. So I appreciate it very much.

And I am also aware of the sacrifices made by the families. And I think you should know that as the troops were coming up the highway, as they passed under bridges, there were VFW and American Legion and other services and families who were on the bridges with flags walking them home, making them know how much they were appreciated and how much they were missed. Those families play a very important role, which we should all appreciate, in ensuring freedom and liberty.

So I want to thank the mothers and fathers and the spouses and the sons and daughters who had and have loved ones serving around the world.

I appreciate the opportunity to speak here tonight, and hope that we can raise up and give recognition and appreciation to all of our men and women who serve our country and do it with distinction. We should be very proud. I am, and I know all of us are.

Mr. LATHAM. Madam Speaker, I rise in strong support of this resolution honoring the 1st Battalion, 133rd Infantry of the Iowa National Guard. This unit returned last week from a deployment lasting nearly 23 consecutive months in Iraq, which is the longest continuous deployment of any Army National Guard Unit during Operation Iraqi Freedom. This distinction carries on the 1st Battalion's proud historical legacy: Since the Second World War the unit served more consecutive days in the European theatre than any other unit.

In Operation Iraqi Freedom, the 1st Battalion carried out a critical mission in one of the most dangerous areas of Iraq. The unit drove over 4 million miles providing security for convoys supplying thousands of U.S. troops. I want to commend the soldiers of the 1st Battalion for their successful completion of over 500 missions.

These soldiers and their families have made tremendous sacrifices to further the U.S. mission in Iraq and for that we owe them a debt of gratitude. Tragically, this sacrifice included more than 25 wounded and the deaths of two members of the unit who made the ultimate sacrifice. SGT 1st Class Scott Nisely and SGT Kampha Sourivong were killed in combat operations on September 30, 2006. Our Nation will forever be grateful to these heroes who made the ultimate sacrifice to protect our freedoms.

Madam Speaker, I urge my colleagues to support this important recognition of one of our Nation's finest National Guard Units.

Mr. BRALEY of Iowa. Madam Speaker, I rise today to support the passage of H. Res. 568, a bill honoring and expressing gratitude to the members and families of the 1st Battalion of the 133rd Infantry of the Iowa National Guard. My introduction of this bill last week coincided with the long-awaited homecoming of the 1–133rd, known as the "Ironman Battalion," after a long and extended deployment in Iraq. I am glad that the House has moved swiftly to consider this important resolution, and I urge my colleagues to vote in favor of it today in order to pay tribute to this incredible group of Iowans.

Last Wednesday was truly a momentous day in Iowa as the members of the 1–133rd were reunited with their friends, family, and loved ones at a homecoming ceremony in Waterloo after more than a year of service in Iraq. The members and families of the 1–133rd have been in Iowans' thoughts and prayers, and this day of reunion and celebration had been eagerly awaited, since the Battalion left for Iraq last spring.

Iowans' admiration and love for the members of the 1–133rd was palpable in Waterloo as an overflow crowd of an estimated 8,000 people packed Riverfront Stadium to welcome the hundreds of men and women of the Battalion home. As the Battalion drove the final miles from Ft. McCoy in Wisconsin, Iowans lined the road to wave at the 1–133rd and waved American flags from overpasses. Sadly, the day was also made bittersweet by the absence of 1–133rd members SGT 1st Class Scott Nisely and SGT Kampha Sourivong, who gave the ultimate sacrifice for their country when they were tragically killed during combat operations in Iraq on September 30, 2006.

Many of my colleagues here may already be familiar with the men and women of the 1–133rd if they saw the Memorial Day special edition of "60 Minutes" that was dedicated to telling the story of the Battalion. While it is impossible for those who have not served in Iraq to fully understand the experiences of the 1–133rd there, or to comprehend the sacrifices that they and their families have made on behalf of our country, this program gave Americans a small glimpse of the challenges the members of the 1–133rd and their families faced throughout their long deployment, as well as into their incredible perseverance.

Iowans who watched the "60 Minutes" special featuring the 1–133rd saw the story of their friends, neighbors, and loved ones who chose to serve and sacrifice when their country called upon them. We saw the daily threats of roadside bombs, insurgents, and snipers faced by the members of the 1–133rd in Iraq as they helped deliver fuel to coalition forces. We saw families adjusting back home, and banding together to help one another. We saw the hardship and heartache that was experienced by the members and their families when they received the news that their tour of duty was to be extended from April until this summer. We saw children born while fathers were overseas, and we saw the lives of our fellow Iowans cut tragically short. For me, the program reinforced what I had already learned about the members of the 1–133rd from my frequent communications with their commanding officer, LTC Ben Corell: that they are men and women of great strength and character who selflessly and bravely put their lives on the line every day for their country in Iraq.

Throughout their long tour of duty in the al-Anbar province of Iraq, one of the most dangerous parts of the country, the 1–133rd detained over 60 insurgents. They completed over 500 missions providing security for convoys, and logged in over 4 million mission miles. In addition, they have delivered over one-third of the fuel needed to sustain coalition forces in Iraq. Their crucial service, and their extended deployment, are also reflective

of the critical and increasing role of the National Guard in our defense missions overseas. Their contributions to the U.S. mission in Iraq are indeed impressive and commendable, which is why I believe that the entire country should honor and thank the men and women of the 1–133rd for their service and their sacrifices there through the passage of this resolution.

The 1st Battalion of the 133rd Infantry of the Iowa National Guard is notable for other reasons as well. They are the longest-serving Iowa military unit since World War II. They are also part of the Army National Guard unit which has served the longest continuous deployment of any Army National Guard unit in support of Operation Iraqi Freedom.

The men and women of the 1–133rd have made me and so many other Iowans and Americans proud through their work and their sacrifices in Iraq, and I hope that it also gives them and their families pride to reflect upon their accomplishments. I feel incredibly honored and privileged to represent them in the U.S. Congress, and I am so pleased today that the entire House of Representatives will commend and thank them for their service through the passage of H. Res. 568.

I am proud to have introduced this bill with the support of 70 bipartisan original co-sponsors, including the entire Iowa Congressional Delegation. The strong support this resolution has on both sides of the aisle is reflective of the pride and gratitude that Americans feel towards our National Guard troops, and all of our men and women serving in uniform.

I would like to thank Armed Services Committee Chairman IKE SKELTON and his staff, and Majority Leader HOYER and his staff, for helping to facilitate the swift consideration of this bill by the full House. The United States will be forever indebted to the members and families of the 1–133rd for their service and their sacrifices in Iraq, and I hope that this resolution comes to serve as a genuine expression of thanks from a grateful state and a grateful nation.

Again, I would like to commend and thank this incredible Battalion for their work, and I urge my colleagues to support the passage of H. Res. 568 today to honor and express gratitude to the men and women of the 1st Battalion of the 133rd Infantry of the Iowa National Guard.

Mr. JONES of North Carolina. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no further requests for time, but I do thank Mr. JONES for managing the resolutions this evening, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 568.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

INTEGRATED DEEPWATER PROGRAM REFORM ACT

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2722) to restructure the Coast Guard Integrated Deepwater Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2722

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Integrated Deepwater Program Reform Act''.

SEC. 2. IMPLEMENTATION OF COAST GUARD INTEGRATED DEEPWATER ACQUISITION PROGRAM.

(a) USE OF PRIVATE SECTOR ENTITY AS A LEAD SYSTEMS INTEGRATOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Deepwater Program beginning on the earlier of October 1, 2011, or the date on which the Secretary certifies in writing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

(2) COMPLETION OF EXISTING DELIVERY ORDERS AND TASK ORDERS.—The Secretary may use a private sector entity as a lead systems integrator to complete any delivery order or task order under the Deepwater Program that was issued to the lead systems integrator on or before the date of enactment of this Act.

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may obtain any type of assistance the Secretary considers appropriate, with any systems integration functions, from any Federal agency with experience in systems integration involving maritime vessels and aircraft.

(4) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may, subject to the availability of appropriations, obtain by grant, contract, or cooperative agreement any type of assistance the Secretary considers appropriate, with any systems integration functions, from any private sector entity with experience in systems integration involving maritime vessels and aircraft.

(b) COMPETITION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall use full and open competition for each class of asset acquisitions under the Deepwater Program for which an outside contractor is used, if the asset is procured directly by the Coast Guard or by the Integrated Coast Guard System acting under a contract with the Coast Guard.

(2) EXCEPTION.—The Secretary may use a procurement method that is less than full and open competition to procure an asset under the Deepwater Program, if—

(A) the Secretary determines that such method is in the best interests of the Federal Government; and

(B) by not later than 30 days before the date of the award of a contract for the procurement, the Secretary submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report explaining why such procurement is in the best interests of the Federal Government.

(3) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a contract, subcontract, or task order that was issued before the date of enactment of this Act, if there is no change in the quantity of assets or the specific type of assets procured.

(c) REQUIRED CONTRACT TERMS.—The Secretary shall include in each contract, subcontract, and task order issued under the Deepwater Program after the date of the enactment of this Act the following provisions, as applicable:

(1) TECHNICAL REVIEWS.—A requirement that the Secretary shall conduct a technical review of all proposed designs, design changes, and engineering changes, and a requirement that the contractor must specifically address all engineering concerns identified in the technical reviews, before any funds may be obligated.

(2) RESPONSIBILITY FOR TECHNICAL REQUIREMENTS.—A requirement that the Secretary shall maintain the authority to establish, approve, and maintain technical requirements.

(3) COST ESTIMATE OF MAJOR CHANGES.—A requirement that an independent cost estimate must be prepared and approved by the Secretary before the execution of any change order costing more than 5 percent of the unit cost approved in the Deepwater Program baseline in effect as of May 2007.

(4) PERFORMANCE MEASUREMENT.—A requirement that any measurement of contractor and subcontractor performance must be based on the status of all work performed, including the extent to which the work performed met all cost, schedule, and mission performance requirements outlined in the Deepwater Program contract.

(5) EARLY OPERATIONAL ASSESSMENT.—For the acquisition of any cutter class for which an Early Operational Assessment has not been developed—

(A) a requirement that the Secretary of the Department in which the Coast Guard is operating shall cause an Early Operational Assessment to be conducted by the Department of the Navy after the development of the preliminary design of the cutter and before the conduct of the critical design review of the cutter; and

(B) a requirement that the Coast Guard shall develop a plan to address the findings presented in the Early Operational Assessment.

(6) TRANSIENT ELECTROMAGNETIC PULSE EMANATION.—For the acquisition or upgrade of air, surface, or shore assets for which compliance with transient electromagnetic pulse emanation (TEMPEST) is a requirement, a provision specifying that the standard for determining such compliance shall be the air, surface, or shore asset standard then used by the Department of the Navy.

(7) OFFSHORE PATROL CUTTER UNDERWAY REQUIREMENT.—For any contract issued to acquire an Offshore Patrol Cutter, provisions specifying the service life, fatigue life, days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter shall be built to achieve.

(8) INSPECTOR GENERAL ACCESS.—A requirement that the Department of Homeland Security's Office of the Inspector General shall have access to all records maintained by all contractors working on the Deepwater Program, and shall have the right to privately interview any contractor personnel.

(d) LIFE CYCLE COST ESTIMATE.—

(1) IN GENERAL.—The Secretary shall develop an authoritative life cycle cost estimate for the Deepwater Program.

(2) CONTENTS.—The life cycle cost estimate shall include asset acquisition and logistics support decisions and planned operational tempo and locations as of the date of enactment of this Act.

(3) SUBMITTAL.—The Secretary shall—

(A) submit the life cycle cost estimate to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 4 months after the date of enactment of this Act; and

(B) submit updates of the life cycle cost estimate to such Committees annually.

(e) CONTRACT OFFICERS.—The Secretary shall assign a separate contract officer for each class of cutter and aircraft acquired or rehabilitated under the Deepwater Program, including the National Security Cutter, the Offshore Patrol Cutter, the Fast Response Cutter A, the Fast Response Cutter B, maritime patrol aircraft, the aircraft HC–130J, the helicopter HH–65, the helicopter HH–60, and the vertical unmanned aerial vehicle.

(f) TECHNOLOGY RISK REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying the technology risks and level of maturity for major technologies used on each class of asset acquisitions under the Deepwater Program, including the Fast Response Cutter A (FRC–A), the Fast Response Cutter B (FRC–B), the Offshore Patrol Cutter (OPC), and the Vertical Unmanned Aerial Vehicle (VUAV), not later than 90 days before the date of award of a contract for such an acquisition.

(g) SUBMISSION OF ASSESSMENT RESULTS AND PLANS TO CONGRESS.—The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) the results of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) and the plan approved by the Commandant pursuant to subsection (c)(5)(B) for addressing the findings of such assessment, within 30 days after the Commandant approves the plan; and

(2) a report describing how the recommendations of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) on the first in class of a new cutter class have been addressed in the design on which construction is to begin, within 30 days before initiation of construction.

SEC. 3. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 55. Chief Acquisition Officer

''(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—The Commandant shall appoint or designate a career reserved employee as Chief Acquisition Officer for the Coast Guard, who shall—

''(1) have acquisition management as that official's primary duty; and

''(2) report directly to the Commandant to advise and assist the Commandant to ensure that the mission of the Coast Guard is achieved through the management of the Coast Guard's acquisition activities.

''(b) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

''(1) monitoring the performance of acquisition activities and acquisition programs of the Coast Guard, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Commandant regarding the appropriate business strategy to achieve the mission of the Coast Guard;

''(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

''(3) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

''(4) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the Coast Guard;

''(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

''(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional workforce; and

''(7) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 of title 31—

''(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

''(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

''(C) reporting to the Commandant on the progress made in improving acquisition management capability.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''55. Chief Acquisition Officer.''.

(c) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 4. TESTING AND CERTIFICATION.

(a) IN GENERAL.—The Secretary shall—

(1) cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping, before acceptance of delivery;

(2) cause the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2, to be certified by an independent third party with expertise in vessel design and construction certification to be able to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years;

(3) cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested and certified in accordance with TEMPEST standards and communications security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing and certification; and

(4) cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be certified for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before acceptance of delivery.

(b) FIRST IN CLASS OF A MAJOR ASSET ACQUISITION.—The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft to be subjected to an assessment of operational capability conducted by the Secretary of the Navy.

(c) FINAL ARBITER.—The Secretary shall be the final arbiter of all technical disputes regarding designs and acquisitions of vessels and aircraft for the Coast Guard.

SEC. 5. NATIONAL SECURITY CUTTERS.

(a) NATIONAL SECURITY CUTTERS 1 AND 2.—

(1) REPORT ON OPTIONS UNDER CONSIDERATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) within 120 days after the date of enactment of this Act, a report describing in detail the cost increases that have been experienced on National Security Cutters 1 and 2 since the date of the issuance of the task orders for construction of those cutters and explaining the causes of these cost increases; and

(B) within 180 days after the date of enactment of this Act, a report on the options that the Coast Guard is considering to strengthen the hulls of National Security Cutter 1 and National Security Cutter 2, including—

(i) the costs of each of the options under consideration;

(ii) a schedule for when the hull strengthening repairs are anticipated to be performed; and

(iii) the impact that the weight likely to be added to each the cutter by each option will have on the cutter's ability to meet both the original performance requirements included in the Deepwater Program contract and the performance requirements created by contract Amendment Modification 00042 dated February 7, 2007.

(2) DESIGN ASSESSMENT.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG–07–23 dated January 2007, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed hull strengthening design conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years.

(b) NATIONAL SECURITY CUTTERS 3 THROUGH 8.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order authorizing construction of National Security Cutters 3 through 8, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed designs to resolve the structural design, safety, and performance issues identified by the Department of Homeland Security Office of Inspector General report OIG–07–23 for the hulls of those cutters conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which such designs will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions.

SEC. 6. MISCELLANEOUS REPORTS.

(a) IN GENERAL.—The Secretary shall submit the following reports to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate:

(1) Within 4 months after the date of enactment of this Act, a justification for why 8 National Security Cutters are required to meet the operational needs of the Coast Guard, including—

(A) how many days per year each National Security Cutter will be underway at sea;

(B) where each National Security Cutter will be home ported;

(C) the amount of funding that will be required to establish home port operations for each National Security Cutter;

(D) the extent to which 8 National Security Cutters deployed without vertical unmanned aerial vehicles (VUAV) will meet or exceed the mission capability (including surveillance capacity) of the 12 Hamilton-class high endurance cutters that the National Security Cutters will replace;

(E) the business case in support of constructing National Security Cutters 3 through 8, including a cost-benefit analysis; and

(F) an analysis of how many Offshore Patrol Cutters would be required to provide the patrol coverage provided by a National Security Cutter.

(2) Within 4 months after the date of enactment of this Act, a report on—

(A) the impact that deployment of a National Security Cutter and other cutter assets without the vertical unmanned aerial vehicle (VUAV) will have on the amount of patrol coverage that will be able to be provided during missions conducted by the National Security Cutter and all other cutters planned to be equipped with a VUAV;

(B) how the coverage gap will be made up;

(C) an update on the current status of the development of the VUAV; and

(D) the timeline detailing the major milestones to be achieved during development of the VUAV and identifying the delivery date for the first and last VUAV.

(3) Within 30 days after the elevation to flag-level for resolution of any design or other dispute regarding the Deepwater Program contract or an item to be procured under that contract, including a detailed description of the issue and the rationale underlying the decision taken by the flag officer to resolve the issue.

(4) Within 4 months after the date of enactment of this Act, a report detailing the total number of change orders that have been created by the Coast Guard under the Deepwater Program before the date of enactment of this Act, the total cost of these change orders, and their impact on the Deepwater Program schedule.

(5) Within 180 days after the date of enactment of this Act, a report detailing the technology risks and level of maturity for major technologies used on maritime patrol aircraft, the HC–130J, and the National Security Cutter.

(6) Not less than 60 days before signing a contract to acquire any vessel or aircraft, a report comparing the cost of purchasing that vessel or aircraft directly from the manufacturer or shipyard with the cost of procuring it through the Integrated Coast Guard System.

(7) Within 30 days after the Program Executive Officer of the Deepwater Program becomes aware of a likely cost overrun exceeding 5 percent of the overall asset acquisition contract cost or schedule delay exceeding 5 percent of the estimated asset construction period under the Deepwater Program, a report by the Commandant containing a description of the cost overrun or delay, an explanation of the overrun or delay, a description of Coast Guard's response, and a description of significant delays in the procurement schedule likely to be caused by the overrun or delay.

(8) Within 90 days after the date of enactment of this Act, articulation of a doctrine and description of an anticipated implementation of a plan for management of acquisitions programs, financial management (including earned value management and cost estimating), engineering and logistics management, and contract management, that includes—

(A) a description of how the Coast Guard will cultivate among uniformed personnel expertise in acquisitions management and financial management;

(B) a description of the processes that will be followed to draft and ensure technical review of procurement packages, including statements of work, for any class of assets acquired by the Coast Guard;

(C) a description of how the Coast Guard will conduct an independent cost estimating process, including independently developing cost estimates for major change orders; and

(D) a description of how Coast Guard will strengthen the management of change orders.

(9) Within 4 months after the date of enactment of this Act, a report on the development of a new acquisitions office within the Coast Guard describing the specific staffing structure for that directorate, including—

(A) identification of all managerial positions proposed as part of the office, the functions that each managerial position will fill, and the number of employees each manager will supervise; and

(B) a formal organizational chart and identification of when managerial positions are to be filled.

(10) Ninety days prior to the issuance of a Request for Proposals for construction of an Offshore Patrol Cutter, a report detailing the service life, fatigue life, maximum range, maximum speed, and number of days underway under general Atlantic and North Pacific Sea conditions the cutter shall be built to achieve.

(11) The Secretary shall report annually on the percentage of the total amount of funds expended on procurements under the Deepwater Program that has been paid to each of small businesses and minority-owned businesses.

(12) Within 120 days after the date of enactment of this Act, a report on any Coast Guard mission performance gap due to the removal of Deepwater Program assets from service. The report shall include the following:

(A) A description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected.

(B) An analysis of factors affecting the mission performance gap that are unrelated to the Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages.

(C) A description of measures being taken in the near term to fill the mission performance gap, including what those measures are and when they will be implemented.

(D) A description of measures being taken in the long term to fill the mission performance gap, including what those measures are and when they will be implemented.

(E) A description of the potential alternatives to fill the mission performance gap, including any acquisition or lease considered and the reasons they were not pursued.

(b) REPORT REQUIRED ON ACCEPTANCE OF DELIVERY OF INCOMPLETE ASSET.—

(1) IN GENERAL.—If the Secretary accepts delivery of an asset after the date of enactment of this Act for which a contractually required certification cannot be achieved within 30 days after the date of delivery or with any system that is not fully functional for the mission for which it was intended, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate within 30 days after accepting delivery of the asset a report explaining why acceptance of the asset in such a condition is in the best interests of the United States Government.

(2) CONTENTS.—The report shall—

(A) specify the systems that are not able to achieve contractually required certifications within 30 days after the date of delivery and the systems that are not fully functional at the time of delivery for the missions for which they were intended;

(B) identify milestones for the completion of required certifications and to make all systems fully functional; and

(C) identify when the milestones will be completed, who will complete them, and the cost to complete them.

SEC. 7. USE OF THE NAVAL SEA SYSTEMS COMMAND, THE NAVAL AIR SYSTEMS COMMAND, AND THE SPACE AND NAVAL WARFARE SYSTEMS COMMAND TO ASSIST THE COAST GUARD IN EXERCISING TECHNICAL AUTHORITY FOR THE DEEPWATER PROGRAM AND OTHER COAST GUARD ACQUISITION PROGRAMS.

(a) FINDINGS.—Congress finds that the Coast Guard's use of the technical, contractual, and program management oversight expertise of the Department of the Navy in ship and aircraft production complements and augments the Coast Guard's organic expertise as it procures assets for the Deepwater Program.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Secretary may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to provide for the use of the Navy Systems Commands to assist the Coast Guard with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Engineer and the Coast Guard Chief Information Officer, as Coast Guard Technical Authorities, may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Navy Systems Commands to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL AUTHORITIES.—The Coast Guard Chief Engineer, Chief Information Officer, and Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to ensure the Coast Guard Technical Authorities, or designated Technical Warrant Holders, approve all technical requirements.

(d) COORDINATION.—The Secretary, acting through the Commandant of the Coast Guard, may coordinate with the Secretary of the Navy, acting through the Chief of Naval Operations, to develop processes by which the assistance will be requested from the Navy Systems Commands and provided to the Coast Guard.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act and every twelve months thereafter, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the activities undertaken pursuant to such memorandum of understanding or memorandum of agreement.

SEC. 8. DEFINITIONS.

In this Act:

(1) DEEPWATER PROGRAM.—The term ''Deepwater Program'' means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled ''Revised Deepwater Implementation Plan 2005'', dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Integrated Deepwater Program Reform Act, H.R. 2722, which I authored in my capacity as the chairman of the Subcommittee on Coast Guard and Maritime Transportation, is a critical piece of legislation that will strengthen the management of the Coast Guard's Deepwater procurement program.

H.R. 2722 passed both the Subcommittee on Coast Guard and Maritime Transportation and the Committee on Transportation and Infrastructure on a voice vote and has enjoyed bipartisan support from the members of both the subcommittee and the full committee.

I wish to express my deepest appreciation to Chairman JAMES OBERSTAR for his leadership and support on this measure, and, indeed, for his leadership of our committee.

I also express my appreciation to the ranking member of the full committee, Congressman MICA, and the ranking member of the subcommittee, Congressman LATOURETTE, for their leadership and the commitment they have shown to the success of our United States Coast Guard through their work on the bill before us today.

Further, I wish to thank Chairman BENNIE THOMPSON for his wise counsel on this bill and for working with us to get this bill to the floor today.

Deepwater is a $24 billion, 25-year procurement effort through which the Coast Guard will replace or rehabilitate all of its cutters and aircraft. Management of the program was awarded in 2002 through a performance-based contract to a private sector team comprised of Lockheed Martin and Northrop Grumman, now known as the Integrated Coast Guard Systems or ICGS.

Unfortunately, some of the procurements conducted under Deepwater over the past 5 years have experienced unacceptable failures that have delayed the production of needed assets and contributed to a significant shortfall in Coast Guard patrol hours.

Perhaps the most widely publicized failure of the Deepwater program is the failure of the effort to lengthen 110-foot patrol boats already in the Coast Guard's fleet to 123 feet. The lengthening was intended to upgrade these boats and extend their service lives while newer assets were being developed.

Though warned by Navy experts that the proposed designs for the lengthening was inadequate, the Coast Guard proceeded with the effort anyway. Eight boats, which originally cost some $60 million to produce and which had many years of additional service life left, buckled soon after they were lengthened and now sit sadly in the Coast Guard yard in Baltimore waiting for the scrap heap.

Unfortunately, the failure of the 123-foot patrol boats is not the sole failure of the Deepwater program. The initial design of the Fast Response Cutter was also beset by technical failures, though fortunately these were identified before any ships were built. While this acquisition effort has now been revamped, the GAO reported earlier this year that the design failure has delayed the procurement by at least 2 years.

Together, the failed effort to lengthen the 110-foot patrol boats and the failure of the first design of the Fast Response Cutter wasted another $100 million of hard-earned American taxpayer dollars.

Similarly, despite the obligation of another $100 million, the initial design effort on the Vertical Unmanned Aerial Vehicle, which is needed to enhance the surveillance capacity of the National Security Cutter, also failed. This craft had originally been scheduled for delivery in 2007, but the GAO estimates that delivery will now be delayed by as much as 6 years, meaning that the first National Security Cutters will likely enter service without the vehicles.

More recently, the Department of Homeland Security's Office of the Inspector General found that the hull fatigue life on the National Security Cutter, the most expensive asset to be procured under the Deepwater program, may not meet contractual requirements. The IG warns that fixing the hulls of the first two NSCs, which are already well into production, will add potentially significant costs to these ships and may even affect their operational capabilities.

Despite this troubling record of failure and waste, during the first 4 years of the Deepwater program, the Coast Guard ranked the contractor performance between ''very good'' and ''excellent'' and awarded the ICGS team some $16 million in award fees; in other words, in bonuses.

Such a situation is ridiculous and intolerable. Having convened now three hearings on Deepwater in the Subcommittee on Coast Guard and Maritime Transportation in the 110th Congress and having chaired an investigative hearing on the 120-foot patrol boat program convened in the full Committee on Transportation and Infrastructure by Chairman OBERSTAR, we have had the opportunity to closely examine the failures in contractor performance and in Coast Guard management that have occurred since 2002.

□ 2045

H.R. 2722 responds directly to these failures by requiring the creation of the management systems and the appointment of the personnel needed to enable the Coast Guard to manage Deepwater as effectively as the service managed the truly amazing rescues of victims during Hurricane Katrina.

Under the leadership of Commandant Thad Allen, the service is already moving decisively to correct past mistakes. Admiral Allen has formed a new procurement directorate to professionalize acquisition management and to put the business practices in place needed to effectively oversee contractor performance and to create lines of strict accountability.

The Coast Guard is now also directly managing the procurement of the Fast Response Cutter, and it has issued a solicitation that includes new measures specifically intended to focus the procurement on producing an asset that will meet all performance requirements.

The Integrated Deepwater Program Reform Act, H.R. 2722, would build on the important reforms Admiral Allen has already enacted by putting in place a comprehensive package of reforms that will strengthen the institutional capacity of the Coast Guard to manage not only Deepwater but all other procurements for years to come.

Specifically, H.R. 2722 will require that the Coast Guard be in charge of all technical decisions on Deepwater and would require the use of full and open competition for the procurement of new assets to ensure that the Coast Guard receives the best value for taxpayers' resources.

H.R. 2722 also sets rigorous new standards for the testing and certification of all Deepwater assets.

The bill requires that all new National Security Cutters procured from the date of enactment be certified by an independent third party to meet all contractual requirements.

The DHS Inspector General has testified before our subcommittee that the four audits of Deepwater he has conducted over the past 2½ years have revealed the dominant influence of expediency and schedule over performance quality in the management of this program.

Unfortunately, the shoddy results of the prioritization of expediency and schedule can be seen in the 123-foot patrol boats, which cannot float, and the Unmanned Aerial Vehicle, which did not fly.

Professional certification of the design and construction of NSCs 3 through 8 will help ensure that these assets do not have any structural shortcomings, as such certification should be accommodated in all procurement schedules.

Further, given the serious concerns that currently exist over hull fatigue with NSCs 1 and 2, H.R. 2722 requires that the design used in all future NSCs be submitted to an assessment conducted by the Naval Surface Warfare Center, Carderock Division, before construction on the new NSCs begin.

Carderock identified many of the potential hull fatigue problems with NSC 1 and their expertise will help assess whether proposed design changes for subsequent NSCs truly correct design problems that could shorten the hull fatigue life of those ships.

H.R. 2722 requires that all other new cutters acquired under Deepwater be classified by the American Bureau of Shipping, and it requires that all new aircraft and aircraft engines be certified for airworthiness by an independent third party.

Significantly, H.R. 2722 also requires the appointment of a civilian as the head of the acquisitions directorate. Both the DHS Inspector General and the GAO have testified before the Subcommittee on Coast Guard and Maritime Transportation regarding the importance of personnel continuity in the effective management of acquisitions contracts.

Appointment of a civilian with a career's worth of experience in procurement will bring to the Coast Guard the level of expertise that simply is not cultivated among the service's uniformed personnel given that the service lacks a career path to train acquisitions professionals. Of course, while the appointment of a civilian to head Coast Guard acquisitions functions cannot guarantee continuity, the appointment of a uniformed servicemember will guarantee turnover on a predictable schedule.

With the implementation of these measures that will prepare the Coast Guard to manage Deepwater, H.R. 2722 requires that private sector contractors be phased out as the lead systems integrator by October 1, 2011. This phase-out can occur prior to that date if the Coast Guard certifies they have the personnel and systems in place they need to perform the lead systems integration function.

Madam Speaker, I remain completely confident in Admiral Allen's leadership of the Coast Guard and in his management of the Deepwater program, but I also believe that Congress must act to build within the Coast Guard the systems that will enable the service to effectively manage procurement efforts, and manage taxpayer resources, long after Admiral Allen has retired.

The men and women of the Coast Guard will rely on the assets procured under Deepwater for decades to come to defend our homeland against an ever-growing range of threats. This is a procurement effort that simply must be managed correctly, and I'm confident that the enactment of H.R. 2722 will ensure that it is.

This bill has enjoyed bipartisan support, both in the Subcommittee on Coast Guard and Maritime Transportation and the Committee on Transportation and Infrastructure. I also note that the Congressional Budget Office has found that enacting this measure will not affect revenues or direct spending in any way and could result in lower procurement expenditures and reduce the long-term costs of the Deepwater program.

In closing, I again commend Chairman JIM OBERSTAR, chairman of the Committee on Transportation and Infrastructure, for his strong support and his commitment to excellence. Under his inspired leadership, our committee has truly returned oversight and strict accountability to the agenda and is working to enact the ground-breaking policies that are essential to meeting the transportation challenges of the 21st century.

I also commend the ranking member of the full committee, Congressman MICA, for his leadership and support on this measure; and I commend the ranking member of our subcommittee, the distinguished gentleman, Mr. LATOURETTE, for his hard work and his outstanding leadership on the subcommittee.

I urge my colleagues to demonstrate their commitment to our brave young men and women in our Coast Guard, our thin blue line at sea, by supporting H.R. 2722, as amended.

Madam Speaker, I reserve my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

(Mr. LATOURETTE asked and was given permission to revise and extend his remarks.)

Mr. LATOURETTE. Madam Speaker, H.R. 2722, the Integrated Deepwater Program Reform Act, makes significant changes to the Coast Guard's Deepwater program and will reform the way that the Coast Guard oversees, manages, and carries out the program as the service takes on the lead systems integrator responsibilities.

I want to add my thanks on the floor tonight and appreciate the cooperation of Chairman OBERSTAR and Chairman CUMMINGS to consider both at the subcommittee and during the full committee markup amendments from our side of the aisle to improve the bill through the markup process. The bill that we are considering today is the product of several oversight hearings and has been developed under the regular order in both the subcommittee and full committee markups. I want to thank both chairmen for their efforts to develop this bill in a truly bipartisan manner.

Madam Speaker, I appreciate the cooperation of Chairman OBERSTAR and Chairman CUMMINGS to consider amendments from my side of the aisle to improve this bill through the markup process. The bill that we are considering today is the product of several oversight hearings and has been developed under the regular order in both Subcommittee and Full Committee markups. I thank both Chairmen for their efforts to develop this bill in a bipartisan manner.

Our Subcommittee has held four hearings to oversee the Deepwater program over the past six months, and we have delved into the problems that have troubled this critical acquisition program. This bill addresses many of the areas that were identified through our oversight process. This bill will provide the Coast Guard with the framework to turn the program around and to support the successful acquisition of enhanced vessels, aircraft, and systems necessary to carry out the service's many missions.

However, I do want to point out that despite problems with some Deepwater program—most notably the failed 110 to 123 conversion, the program has had successes. Most importantly, the improved communications between shore, sea and air assets have already led to improved operations.

I also want to note that not all of the program's problems result from contracting issues. The program has never been funded at the level the Coast Guard determined it needed to carry out the program in the timeframe it described. Unfortunately, it appears those funding shortfalls will only get worse in the coming fiscal year. In fiscal year 2007, $1.1 billion was appropriated to carry out the Deepwater program. For fiscal year 2008, the Administration sought $837 million for the program, the House has provided $698 million, and the Senate has approved an amount of $770 million. At those levels, acquisitions of new ships and aircraft will be further delayed, meaning that ready-to-be-retired legacy ships and planes will be kept in service longer. Those assets will, in turn, incur higher maintenance costs further reducing the funds available to acquire new assets.

The bill before us today improves the organization and administration of Deepwater and seeks answers to questions about the implementation of the program. However, if Congress and the Administration continue to fail to seek and provide funds at the level planned for, then Deepwater has no chance of meeting its targets and goals.

While this bill will not solve the problems that result from funding shortfalls for the Deepwater program, the bill will give the Coast Guard adequate time to build its in-house staff and capabilities to the level necessary to successfully assume the lead systems integrator role and to put in place arrangements to acquire additional personnel and expertise from the private sector and other Federal agencies. This is a necessary programmatic change.

I support this bill and urge all Members to approve H.R. 2722.

Mr. OBERSTAR. Madam Speaker, today, the House considers H.R. 2722, the "Integrated Deepwater Program Reform Act". This legislation is the product of the lessons learned from a series of hearings delving into the Coast Guard's Deepwater program.

I would like to thank Subcommittee Chairman CUMMINGS for his diligence in thoroughly examining these problems and for developing a comprehensive bill to get this program back on course.

The Committee has held three hearings in the 110th Congress on the Deepwater program—including one that finally adjourned at 11:29 p.m. Committee Members have heard the saga about problems with this program that include inadequate staffing, patrol boats that have been altered in such a way that they are not seaworthy, and construction standards that shorten the fatigue life of cutters below their contracted 30-year life.

During these hearings, the Committee heard testimony from the Coast Guard, contractors, the Office of Inspector General ("OIG") of the Department of Homeland Security, and the Government Accountability Office ("GAO"), and in addition received reports from the Defense Acquisition University ("DAU"), the GAO, and the OIG.

Unfortunately, we learned from the testimony to the Committee that the Deepwater program is an example of a total abdication of governmental responsibility for overseeing its contractors, the quality of their work, and the timeline for completion.

H.R. 2722 will correct this problem. The bill establishes within the Coast Guard the acquisition management systems, and requires appointment of necessary personnel, to effectively manage the $24 billion Deepwater Acquisition Program.

As reported by the Committee, H.R. 2722 prohibits the use of a private sector entity as a lead system integrator beginning at the earlier date of October 1, 2011, or the date on which the Coast Guard certifies to the Committee that the service has the trained personnel and resources to implement the system integration.

I understand that the Coast Guard intends to move forward well before the 2011 date and I can assure you that this Committee will monitor their progress on taking over the Deepwater program.

H.R. 2722 also requires the use of full and open competition for procurements under Deepwater, and sets forth specific provisions to be included in future contracts including requirements subjecting designs to technical review and development of independent cost estimates. Transient electromagnetic pulse emanation (''TEMPEST'') standards, as used by the Department of the Navy, must be used for procurements requiring TEMPEST certification. The bill further requires that all contracts include provisions allowing the OIG to privately interview contractor personnel working on Deepwater.

The bill also requires the appointment of a civilian Chief Acquisition Officer within the Coast Guard, who would report directly to the Commandant, and specifies a number of authorities reserved to the Chief Acquisition Officer.

H.R. 2722 sets standards for testing and certification of assets procured under Deepwater. Each cutter—other than a National Security Cutter (NSC)—must be classed by the American Bureau of Shipping (ABS). The design and construction of NSCs, with the exception of NSC 1 and 2, must be certified as capable of being underway for at least 185 days a year for 30 years and the other performance requirements by an independent third-party such as ABS or the Navy. The bill calls for all aircraft to be certified by an independent third-party such as the FAA or the Navy as well.

In addition, the bill requires a number of reports to Congress from the Coast Guard to enhance the Committee's oversight of this important acquisition program.

I would like to thank Ranking Member MICA and Subcommittee Ranking Member LATOURETTE for working with Subcommittee Chairman CUMMINGS and me on this bill.

Madam Speaker, I urge my colleagues to join me in supporting passage of H.R. 2722, the ''Integrated Deepwater Program Reform Act of 2007''.

Mr. THOMPSON of Mississippi. Madam Speaker, I stand in support of H.R. 2722 because I recognize the importance of the Integrated Deepwater Systems (Deepwater) program to our National security.

We need to replace our aging ships and aircraft that operate offshore to protect our borders. While this program has come under much scrutiny for being more expensive than previously thought and taking more time to complete, it is still a worthwhile endeavor.

Everyday, valiant members of the U.S. Coast Guard risk their lives to rescue and protect Americans. The continued success of this mission is dependent upon Coast Guard assets which are aging by the day. In the mid-1990s, the Coast Guard decided to replace all of these assets in a single procurement program—the Integrated Deepwater System program, typically referred to as Deepwater. The Coast Guard's plan was to set forth broad mission requirements and then rely on private contractors to determine the mix of assets necessary to carry out those missions. Ultimately, the contract went to ''Integrated Coast Guard System'' (ICGS), a consortium headed by Lockheed Martin and Northrop Grumman.

Deepwater was intended to replace or modernize the approximately 90 ships and 200 Coast Guard aircraft used for missions taking place more than 50 miles offshore. The primary missions carried out in this ''deepwater'' zone are drug and migrant interdiction operations, search and rescue, homeland security, and fisheries law enforcement. Unfortunately, this program has been beset with problems. One part of the ICGS's Deepwater plan was to lengthen the Coast Guard's existing 110 foot patrol boats by 113 feet. Shortly after the first extended boat was delivered, cracks were found in its hull. The Coast Guard dry-docked the boats in December 2006 due to the lack of operational capacity in heavy seas. On February 14, 2007, the Department of Homeland Security Office of Inspector General released a report concerning whistleblower allegations made against the 123-foot Coast Guard cutter program. The report found that aspects of the C4ISR (Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance) equipment installed aboard the 123-foot cutters do not meet the design standards set forth in the Deepwater contract.

Specifically, the contractor did not install low smoke cabling aboard the 123-foot cutter, despite a Deepwater contract requirement. The intent of this requirement was to eliminate the polyvinyl chloride jacket encasing the cables, which for years produced toxic fumes and dense smoke during shipboard fire.

Additionally, the contractor installed C4ISR topside equipment aboard both the 123-foot cutters and prosecutors, which either did not comply or was not tested to ensure compliance with specific environmental performance requirements outlined in the Deepwater contract. On April 17, 2007, the Commandant of the Coast Guard announced the decommissioning of the entire 123-foot fleet.

Similarly, there are problems with the National Security Cutter. On January 23, 2007, the Department of Homeland Security Inspector General's Office released a report stating that ''the National Security Cutter, as designed and constructed, would not meet the performance specifications described in the original Deepwater contract.'' The report also states that ''The National Security Cutter's design and performance deficiencies are fundamentally the result of the Coast Guard's failure to exercise technical oversight over the design and construction of its Deepwater assets.''

Furthermore, the Inspector General's Office found that ''since the deepwater contract was signed in June 2002, the combined cost of National Security Cutters 1 and 2 has increased from $517 million to approximately $775 million.'' The $775 estimate does not include costs to correct or mitigate the National Security Cutter's structural design deficiencies, additional labor and materials costs resulting from the effects of Hurricane Katrina, and the final costs of a $302 million Request for Equitable Adjustment (REA) that the Coast Guard is currently negotiating with the contractor. Finally, the report states that the Inspector General's Office ''encountered resistance'' from the Coast Guard and the contractor in its efforts to evaluate the structural design and performance issues associated with the cutter.

The IG's findings are very serious and I am deeply concerned about the Coast Guard's ability to manage the Deepwater program. Strict Congressional oversight on the part of the new Democratic Congress has forced the Coast Guard to make several significant changes to this much-needed program and continued oversight is needed. The Homeland Security Committee has already held one hearing on the Deepwater Program this year, and more are planned.

H.R. 2722 makes improvements to the Deepwater program that will refine the process and make it effective for protecting the homeland for decades to come. For instance this bill creates a process for the Coast Guard to become the lead systems integrator for the program, it opens up competition for procurements, requires the Coast Guard to provide life-cycle cost estimates, requires the appointment of a Chief Acquisitions Officer, establishes testing and certification requirements for Deepwater assets, provides design criteria for the National Security Cutter, and allows the Department of Homeland Security to work with the United States Navy. These changes to the program are necessary to make Deepwater an effective homeland security program.

Mr. LATOURETTE. Madam Speaker, I yield back the balance of our time.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2722, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 2722, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 735) to designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 735

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

SECTION 1. DESIGNATION.

The Federal building under construction at 799 First Avenue in New York, New York, shall be known and designated as the ''Ronald H. Brown United States Mission to the United Nations Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Ronald H. Brown United States Mission to the United Nations Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 735.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield 5 minutes to the distinguished chairman of the committee on Ways and Means, Mr. RANGEL.

Mr. RANGEL. Madam Speaker, thank you so much for giving me this opportunity to share with this body the life of a great American named Ron Brown, and I'm asking your support to have a Federal building, a U.N. missions building if you will, to be named after him.

Even though Ron Brown was an African American from Harlem, his story is more of an American story than one of color, because on the streets of Harlem you don't find too many people exposed to dreams of ever becoming a Secretary of Commerce, indeed an ambassador for this great country.

But Ron never forgot Harlem, and it was the Urban League that drove him to do things in the civil rights movement. It was his dedication to his country that drove him to spend 4 years in the military, but everywhere that Ron Brown would go as Secretary of Commerce, he was there not just to sell businesses to the country. He was there to sell the American flag, the principles of that flag and the thing that we stand for.

I went with him to South Africa to see him negotiating with leaders, political leaders there, but all the time that he was talking to them, it wasn't which party was right or which party was wrong or how to bring about solidarity. He was asking how could America help the people to get clean water, to get medicine, to get food and to let them know that our multinationals were there, not just for the shareholders of their firm but the shareholders of the world.

And so when you come to New York, where you always see diversity, people of different color, different languages, different cultures, and you see the Federal mission to the United Nations, there could not be a sight that would be more reminiscent of Ron Brown than the contributions that he made to my community, my country, but indeed, the entire world.

And so thank you for shepherding this wonderful bill so that his family and his friends and his supporters and kids to follow would know that out of Harlem we planted the seed, and he died for this country on a mission for President Clinton. His memory will never, never be forgotten; and I was proud to be a desk clerk at the time that he was living in a hotel that his father managed in New York. And he will forever be in my mind and I hope in yours as you think about great Americans who lost their lives for this great country.

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Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

H.R. 735 designates a Federal building under construction at 799 First Avenue, New York, New York, as the Ronald H. Brown United States Mission to the United Nations Building. Ron Brown was born in Washington D.C., grew up in New York City, and had a distinguished career and exemplary life. This is a good piece of legislation.

Ron Brown was born in Washington, DC and grew up in New York city. After attending Middlebury College, he commanded several units in the United States Army and served with distinction. Following his service in the Army, Ron Brown attended St. John's Law School.

After finishing law school, Ron Brown began a career as a lawyer and a lobbyist. He served as chief counsel for the Senate Judiciary Committee under the chairmanship of Senator TED KENNEDY. In addition, he chaired the Senior Advisory Committee of the Institute of Politics at the John F. Kennedy School of Government, Harvard University and was an elected member of the Council on Foreign Relations.

Ron Brown's career culminated in his appointment as Secretary of Commerce by President Bill Clinton. Tragically, his life ended abruptly while on a trade mission to Croatia in 1996. Secretary Brown was an accomplished politician and diplomat.

I would like to note that after the Committee on Transportation and Infrastructure marked up this bill, the State Department raised concerns about setting the precedent of naming a U.S. Embassy. I hope the chairman could work with the State Department to resolve this issue before this bill is signed into law.

Madam Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I merely want to associate myself with the words of the chairman of the Ways and Means Committee, Mr. RANGEL. I urge all Members to vote in favor of the bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 735, a bill to designate the United States Mission to the United Nations Building located at 799 First Avenue, New York, NY, as the ''Ronald H. Brown United States Mission to the United Nations Building.''

Consideration of this bill on the House floor is long overdue. I commend the gentleman from New York (Mr. RANGEL) for his steadfastness in supporting this bill. Congressman RANGEL introduced similar bills to designate the United States Mission to the United Nations in honor of Ron Brown in the 108th and 109th Congresses. I am pleased that today we will finally pass this bill and pay a fitting tribute to the life and achievements of this extraordinary American.

Ron Brown was a man who served his country in many capacities: lawyer, pragmatic bridge builder, statesman, mentor, and trusted friend.

He may be best known for his service as the first African-American Secretary of Commerce. In that position, he became a powerful and influential voice for promoting American products and trade abroad. He championed expanding markets for U.S. goods and services, in order to increase job opportunities and foster job creation here at home.

He also served on President Clinton's National Economic Council, Domestic Policy Council, and Task Force on National Health Care Reform. He served President Clinton on the Trade Promotion Coordinating Committee and was Co- Chair of the U.S.-Russia Business Development Committee.

Secretary Brown served on the Board of Trustees for Middlebury College and received his law degree from St. John's University in New York City. Prior to entering public service, he worked as a welfare caseworker in New York City.

In addition to his many talents and strengths, Secretary Brown was a passionate civil rights activist with a distinguished record of service to his community. His commitment to this Nation and its citizens provides a model for us all.

Secretary Brown's life was tragically ended in April 1996 when he was killed in a place crash in Croatia while on an official Department of Commerce trade mission.

The Department of State had requested that Secretary Brown personally undertake the trade mission to highlight and find opportunities for U.S. businesses to boost economic reconstruction of the war torn region of former Yugoslavia.

Congress has previously designated Federal buildings that serve as Department of State facilities on four separate occasions. In 2000, Congress designated the Department of State headquarters as the ''Harry S Truman Federal Building'' (P.L. 106–218). In 2004, Congress designated the Foreign Service Institute as the ''George P. Schultz National Foreign Affairs Training Center'' (P.L. 108–136). In 2005, Congress designated the United States Embassy Annex in Rome, Italy, as the ''Mel Sembler Building'' (P.L. 108–447) and designated the Federal building in Kingston, Jamaica, as the ''Colin L. Powell Residential Plaza'' (P.L. 109–89).

Secretary Brown died in service to his country on a mission undertaken at the request of

the Department of State. It is fitting and proper to honor this Federal building as the "Ronald H. Brown United States Mission to the United Nations Building."

I urge my colleagues to join me in supporting H.R. 735.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to take this opportunity to express my strong, support for H.R. 735, a bill designating the U.S. Mission to the United Nations for my good friend and former Secretary of Commerce, the late Ronald Herman Brown.

Ron Brown's legacy is one that will forever be synonymous with the term trailblazer. Ron Brown was the first African American to achieve partner at Patton, Boggs, and Blow in 1981.

In 1989, he became the first African-American to head the Democratic National Committee, marking the first time in U.S. history, a African-American had ever lead a major political party.

History was made again in 1993, when President William Jefferson Clinton nominated, and the Senate confirmed, Ron Brown as the first African-American to serve as Secretary of Commerce.

As alluded to previously, Ron Brown was an astute, bright, and compassionate individual. He was a brilliant lawyer, an effective Secretary of Commerce, but most importantly he was a devoted family man to his wife Alma and their two children, Michael and Tracy.

Sadly, death cheated them and this country at a most unexpected hour; however, we all can take great pride in knowing that Ron Brown's legacy shall endure.

In closing Madam Speaker, I would like to commend Transportation and Infrastructure Chairman, Mr. OBERSTAR, Subcommittee Chairwoman, Ms. NORTON, and my dear friend Representative RANGEL for their collective leadership in advancing this long overdue piece of legislation.

This fine measure is a fitting tribute to one of this country's greatest public servants.

Mr. CUMMINGS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 735.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Suspending the rules on H.R. 2750, by the yeas and nays;

Ordering the previous question on H. Res. 580, by the yeas and nays;

Adoption of H. Res. 580, if ordered;

Ordering the previous question on H. Res. 579, by the yeas and nays;

Adoption of H. Res. 579, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

NASA 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2750, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 2750, as amended.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 758]

YEAS—402

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Ackerman
Bishop (GA)
Brown, Corrine
Carson
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Granger
Gutierrez
Hastert
Hayes
Johnson (IL)
Johnson, Sam
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Nunes
Peterson (PA)
Price (NC)
Radanovich
Scott (VA)
Sires
Sutton
Tancredo

□ 2124

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.".

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 986, EIGHTMILE WILD AND SCENIC RIVER ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 580, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 188, not voting 28, as follows:

[Roll No. 759]

YEAS—216

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Ackerman
Bishop (GA)
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez
Hastert
Hayes
Johnson (IL)
Johnson, Sam
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Peterson (PA)
Price (NC)
Radanovich
Sires
Stark
Sullivan
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2133

Mr. SHAYS changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 184, not voting 26, as follows:

[Roll No. 760]

YEAS—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt

Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Ackerman
Bishop (GA)
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez
Hastert
Hayes
Johnson (IL)
Johnson, Sam
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Peterson (PA)
Price (NC)
Radanovich
Sires
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2139

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2831, LILLY LEDBETTER FAIR PAY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 579, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 190, not voting 27, as follows:

[Roll No. 761]

YEAS—215

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Ackerman
Bishop (GA)
Blunt
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez
Hastert
Hayes
Johnson (IL)
Johnson, Sam
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Peterson (PA)
Price (NC)
Radanovich
Sires
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2146

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 187, not voting 30, as follows:

[Roll No. 762]

YEAS—215

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca

Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

Ackerman
Bishop (GA)
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Engel
Gallegly
Gilchrest
Gutierrez
Hastert
Hayes
Herger
Higgins
Johnson (IL)
Johnson, Sam
Kind
LaHood
Mack
McCarthy (NY)
McDermott
McNulty
Myrick
Nadler
Peterson (PA)
Price (NC)
Radanovich
Sires
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2152

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 3221, NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER. Mr. Speaker, the Rules Committee is expected to meet Thursday, August 2, to grant a rule which may structure the amendment process for floor consideration of H.R. 3221, the New Direction for Energy Independence, National Security, and Consumer Protection Act.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 5 p.m. on Wednesday, August 1. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as introduced. A copy of the bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by the Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

LILLY LEDBETTER FAIR PAY ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 579, I call up the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2831

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ledbetter Fair Pay Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., No. 05–1074 (May 29, 2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charges of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of unlawful employment practices that have occurred outside the time for filing a charge of discrimination.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

''(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in

violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

''(B) In any action under this title with respect to discrimination in compensation, the Commission, the Attorney General, or an aggrieved person, may for purposes of filing requirements, challenge similar or related instances of unlawful employment practices with respect to discrimination in compensation occurring after an aggrieved person filed a charge without filing another charge with the Commission.

''(C) In addition to any relief authorized by 1977a of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in section (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.''.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking ''(d)'' and inserting ''(d)(1)'';

(2) in the third sentence, by striking ''Upon'' and inserting the following:

''(2) Upon''; and

(3) by adding at the end the following:

''(3)(A) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

''(B) In any action under this Act with respect to discrimination in compensation, the Secretary or an aggrieved person, may for purposes of filing requirements, challenge similar or related instances of unlawful employment practices with respect to discrimination in compensation occurring after an aggrieved person filed a charge without filing another charge with the Secretary.''.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendment made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after ''(42 U.S.C. 2000e–5 (f) through (k))'' the following: ''(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)''; and

(B) in paragraph (2), by inserting after ''1964'' the following: ''(42 U.S.C. 2000d et seq.) (and in subsections (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)''.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following

''(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.''.

(3) AGE DISCRIMINATION ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking ''of section'' and inserting ''of sections 7(d)(3) and''.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Pursuant to House Resolution 579, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2831

[Strike out all after the enacting clause and insert the part printed in italic]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lilly Ledbetter Fair Pay Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., No. 05–1074 (May 29, 2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charges of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of unlawful employment practices that have occurred outside the time for filing a charge of discrimination.

(4) This Act is not intended to change current law treatment of when pension distributions are considered paid.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

''(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

''(B) In addition to any relief authorized by section 1977a of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.''.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''(d)'' and inserting ''(d)(1)'';

(3) in the third sentence, by striking ''Upon'' and inserting the following:

''(2) Upon''; and

(4) by adding at the end the following:

''(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.''.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendment made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after ''(42 U.S.C. 2000e–5 (f) through (k))'' the following: ''(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)''; and

(B) in paragraph (2), by inserting after ''1964'' the following: ''(42 U.S.C. 2000d et seq.) (and in subsections (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)''.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

''(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.''.

(3) AGE DISCRIMINATION ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking ''of section'' and inserting ''of sections 7(d)(3) and''.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, discrimination is anathema to everything this country stands for. It is anathema to the promise that is America. Regrettably, the recent Supreme Court's recent Ledbetter v. Goodyear decision threatens to turn back the clock on the progress we have made since the passage of the Civil Rights Act of 1964 more than 40 years ago.

The Supreme Court's decision in Ledbetter severely restricts the right of employees to challenge pay discrimination. It ignores the realities of the workplace, prior precedent, and the clear intent of Congress.

Justice Ginsburg's dissent in this narrowly divided 5–4 decision called on Congress to reverse this decision, and that is what we are here to do today.

Lilly Ledbetter, the plaintiff in this case, worked for Goodyear for over 19 years. When she retired as a supervisor in 1998, she discovered that her salary was 20 percent lower than that of the lowest-paid male supervisor. Not only was Ms. Ledbetter earnings nearly $400 a month less than her male colleagues, she also retired, obviously, with a substantially smaller pension.

A jury found that Goodyear discriminated against Ms. Ledbetter, and she was awarded $3.8 million in back pay and damages. This amount was reduced to the $360,000 damage cap in title VII of the Civil Rights Act.

Despite the jury's finding, the Supreme Court decided that while Goodyear discriminated against Ms. Ledbetter, and it is important that the Members understand that that is what the jury's determination was, they decided that her claim was made too late. Not that she was wrong, not that Goodyear was right. Her claim simply came too late.

Title VII of the Civil Rights Act requires an employee to file an EEOC charge within 180 days of unlawful employment practices. Ms. Ledbetter filed within 180 days, as required, of receiving the discriminatory pay from Goodyear. In fact, she filed as soon as she found out that she was receiving discriminatory pay. She found out thanks to an anonymous note left in her mailbox.

But a slim majority of the Supreme Court found that, because Ms. Ledbetter did not file within 180 days of the discriminatory decision to write those discriminatory paychecks that she received for many, many years, her time had run out. She could not recover anything from Goodyear.

The majority's decision is absurd and entirely shuns the reason in order to satisfy this ideological agenda.

H.R. 2831, the Lilly Ledbetter Fair Pay Act, is narrowly tailored and designed to restore the law on pay discrimination as it was before the Supreme Court's decision, the law as it was for some 35 years, the law as it was reaffirmed in circuit court after circuit court, as it was affirmed by the Congress of the United States.

This bill restores the law so that the 180-day statute of limitations clock runs when a discriminatory pay decision or practice is adopted, when a person becomes subject to the pay decision or practice, or when a person is affected by the pay decision or practice, including whenever she receives a discriminatory paycheck. In other words, every discriminatory paycheck is a violation of the act. That is as the law was for these many, many years. That is what we seek to do.

The bill makes it clear that a victim of pay discrimination is entitled to a full 2 years of back pay. That is as the law currently is. You are entitled to recover up to 2 years' back pay under title VII.

□ 2200

The bill ensures that these simple reforms extend to the Age Discrimination and Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act. H.R. 2831 restores the law to what it was for years before this recent Supreme Court decision in the Ledbetter case.

Circuit court after circuit courts have held that the receipt of a discriminatory paycheck is a new violation of the law. Lilly Ledbetter received her last discriminatory paycheck. She was then informed about it, and she filed within 180 days. That's what the law was, that's what she did, and then this Supreme Court decided somehow that she wasn't within her rights and that her claim came too late.

The EEOC, in its own compliance manual, states that ''discriminatory paychecks can be challenged so long as one is issued within the filing period, regardless of when the decision to issue them was made.'' Again, the law before the Supreme Court. In fact, the Congressional Budget Office reports that this would not establish a new cause of action for pay discrimination, it will not significantly effect the number of filings in the EEOC, and it will not significantly increase the cost of EEOC in other Federal courts.

Understand this: Unless Congress acts and employers who have made discriminatory pay decisions before 180 days ago, they will be allowed to lawfully continue discriminating against the people that they employ. If they can hide the discriminatory act for 180 days, they can then continue to discriminate far into the future if they got past the 180 days. That is why this is so important.

The law now tells employers it's okay to discriminate; if you can get away with it for 180 days, you're home free. All we're asking here is to restore the law as it was, which was that each paycheck was a discriminatory act, and under the law you had 180 days to file a claim. That's what this bill says. That's what the law said before. If you file that claim and you're successful, you can receive up to 2 years back pay to make up for that. That's what the law was. That's what we seek to do in this legislation.

This is the only decent thing to do. People say, well, she should have known or she should have asked around or she should have done this, should have done a lot of things. Except we know that also in many instances employers, in fact, have policies where they prohibit employees from asking another employee about their level of pay, about their compensation.

So the fact of the matter is this legislation is absolutely necessary to end these discriminatory practices on pay, be it against a woman, an African American, Hispanic, a person over 60. Whatever the conditions are, it should not be allowed to stand. We should return to the law as it was these many years.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this ill-considered and over-reaching legislation.

Proponents of this bill claim it simply reverses a May 29, 2007, U.S. Supreme Court decision and further clarifies congressional opposition to wage discrimination against employees in the workplace. In reality, however, it will set into motion unintended consequences that its supporters simply are not willing to acknowledge.

At the outset, let me make it clear that opposition to discrimination of

any type, be it gender discrimination, racial discrimination, or any other type of discrimination inside or outside the workplace is not confined to one party or the other. Every Member of this Chamber stands in strong opposition to the unfair treatment of any worker, but at the same time we must stand firmly behind a process that ensures justice for all parties, and that includes protecting against the potential for abuse and over-litigation. That, I believe, is where the two parties diverge on the bill before us. We aren't taking sides for or against discrimination in the workplace; rather, we're staking out different positions on fair and equitable justice and the rule of law.

For more than 40 years, title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an employee's pay scale based on his or her gender. And this is a principle upon which all of us, Democrats and Republicans alike, can agree. As such, current law provides that any individual wishing to challenge an employment practice as discriminatory must first file a charge with the Equal Employment Opportunity Commission within the applicable statute of limitations, which is either 180 or 300 days, depending on his or her state of employment after the alleged workplace discrimination occurred.

The statute of limitations was clearly established in the law to encourage the timely filing of claims, which helps prevent the filing of stale claims and protects against abuse of the legal system.

Consider these worst case scenarios, for example. Without a statute of limitations in place, an employee could sue for discrimination resulting from an alleged discriminatory act that might have occurred 5, 10, 20, 40, or even more years earlier. And without a statute of limitations in place, it is entirely conceivable that a worker or retiree could seek damages against a company run by employees and executives that had nothing to do with the initial act of alleged discrimination that occurred dozens of years ago.

H.R. 2831 would essentially dismantle the statute of limitations and replace it with a new system under which every paycheck received by the employee allegedly discriminated against starts the clock on an entirely new statute. While fair-minded and principled, this dramatic change in civil rights law would have incredibly far-reaching impact, one that supporters of the bill have yet to take the time to thoroughly and appropriately consider. And B, under H.R. 2831, the worst case scenarios I just described would become commonplace. And let's not kid ourselves; our Nation's trial lawyers would seize upon them.

Because H.R. 2831 would dismantle the critical statute of limitations, the Bush administration last week threatened to veto, should the bill ever arrive at his desk. Specifically, the administration noted that the legislation ''would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved.''

Furthermore, the effect of elimination of any statute of limitations in this area would be contrary to the centuries' old notion about limitations, period, for all lawsuits.

At this time, Mr. Speaker, I would like to enter the Statement of Administration Policy into the RECORD.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 27, 2007.

STATEMENT OF ADMINISTRATION POLICY H.R. 2831—LILLY LEDBETTER FAIR PAY ACT OF 2007 (REP. MILLER (D) CA AND 31 COSPONSORS)

The Administration supports our Nation's anti-discrimination laws and is committed to the timely resolution of discrimination claims. For this and other reasons, the Administration strongly opposes the Ledbetter Fair Pay Act of 2007. H.R. 2831 would allow employees to bring a claim of pay or other employment-related discrimination years or even decades after the alleged discrimination occurred. H.R. 2831 constitutes a major change in, and expanded application of, employment discrimination law. The change would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved. Furthermore, the effective elimination of any statute of limitations in this area would be contrary to the centuries-old notion of a limitations period for all lawsuits. If H.R. 2831 were presented to the President. his senior advisors would recommend that he veto the bill.

Meaningful statutes of limitations in these sorts of fact-intensive cases are crucial to the fair administration of justice. The prompt assertion of employment discrimination permits employers to defend against—and allows employees to prove—claims that arise from employment decisions instead of having to litigate claims that are long past. In such cases, evidence often will have been lost, memories will have faded, and witnesses will have moved on. Moreover, effective statutes of limitations benefit employees by encouraging the prompt discovery, assertion, and resolution of employment discrimination claims so that workplace discrimination can be remedied without delay.

H.R. 2831 purports to undo the Supreme Court's decision of May 29, 2007, in Ledbetter v. Goodyear Tire & Rubber Co. by permitting pay discrimination claims to be brought within 180 days not of a discriminatory pay decision, which is the rule under current law, but rather within 180 days of receiving any paycheck affected by such a decision, no matter how far in the past the underlying act of discrimination allegedly occurred. As a result, this legislation effectively eliminates any time requirement for filing a claim involving compensation discrimination. Allegations from thirty years ago or more could be resurrected and filed in federal courts.

Moreover, the bill far exceeds the stated purpose of undoing the Court's decision in Ledbetter by extending the expanded statute of limitations to any ''other practice'' that remotely affects an individual's wages, benefits, or other compensation in the future. This could effectively waive the statute of limitations for a wide variety of claims (such as promotion and arguably even termination decisions) traditionally regarded as actionable only when they occur.

This legislation does not appear to be based on evidence that the current statute of limitations principles have caused any systemic prejudice to the interests of employees, but it is reasonable to expect the bill's vastly expanded statute of limitations would exacerbate the existing heavy burden on the courts by encouraging the filing of stale claims.

Mr. Speaker, as the President's veto threat makes clear, H.R. 2831 is not a matter of tinkering around the edges as its supporters would have the American people believe. Rather, it is a fundamental overhaul of long-standing civil rights laws. The last major change to these laws occurred more than 15 years ago and after several years of debate. Yet, here we are, barely 2 months removed from a Supreme Court decision ready to grab headlines before we return home for the month of August by advancing a highly flawed bill without any regard to the long-term ramifications it could have should it ever make its way into law.

H.R. 2831 represents bad policy, and even worse processing, and for these reasons I will oppose it. I urge my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the chairman for yielding, and I rise in strong support of this legislation.

Mr. Speaker, our friend, the ranking member of the full committee, just said that this bill repeals the statute of limitations. This is completely wrong. The bill does not repeal the statute of limitations for these claims; it restores the statute of limitations that has been in existence for nearly four decades under this law, an interpretation of the statute of limitations that virtually unanimously, in the Circuit Court of Appeals, has been held to be the law.

What is this standard? It says that if a person works in a workplace, as most workplaces are, where knowing what your coworker makes is discouraged or even prohibited, that if you're the victim of discrimination because of your race or your gender or your religion or your nationality, then you have the right to pursue that claim each time a new paycheck is issued that manifests and evidences that discrimination. This is not a novel theory. This has been the law for nearly 40 years. And this bill restores that law.

Second, our friends on the other side talk about these cataclysmic events that are going to occur if the law is restored, people filing suits 70 years after discrimination took place. What an odd plaintiff that would be, Mr. Speaker, someone who has been victimized for 60 or 50 or 40 years by discrimination, but because they want to game the legal system, sit and wait it out? I've never

met that plaintiff, Mr. Speaker, and I don't think anybody really has.

If all of these cataclysmic events were going to happen, why haven't they happened for the last 40 years? Why haven't people sued 40 or 50 years after discrimination took place? It's because that's not what this statute of limitations permits, and that's not human nature.

My friend makes reference, Mr. Speaker, to the worst case scenario. My friends, Lilly Ledbetter lived the worst case scenario. She worked for nearly 20 years for Goodyear. She was very good at her job. She got awards for being an excellent employee. Very late in her career she found out that she was making 20 percent less than the men doing the same job because she was a woman, so she went to the EEOC. She pursued her claim in Federal court. Goodyear stood up and said, oh, no; she was discriminated against not because she's a woman, but because she wasn't as good at her job as the men. And a jury of her peers heard that defense, heard that evidence, and ruled in her favor.

Up the ladder the case went to the United States Supreme Court, and the Court said, she may have been discriminated against, she may have been wronged, but she just didn't do anything about it soon enough; never mind that she followed the rules that had been in effect for nearly 40 years.

This is a restoration of the statute of limitations, not a new statute of limitations or an abrogation of it. And more importantly, it is a restoration of justice for people like Lilly Ledbetter who deserve better than this Supreme Court ruling and deserve the passage of this bill.

I urge my colleagues to vote ''yes.''

Mr. MCKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from California for the time.

Mr. Speaker, today I'm rising to oppose this bill.

We are all for fair pay; we are all for equal pay for equal work, and we are all against discrimination. But, Mr. Speaker, H.R. 2831 does much more than just simply overturn a Supreme Court case in order to provide relief to one plaintiff, Lilly Ledbetter. It constitutes a major change in and extended application of employment discrimination law.

In my opinion, what this change would do would serve to impede justice and undermine the important goal of having allegations of discrimination expeditiously resolved. The bill essentially limits the 1964 Civil Rights Act statute of limitations regarding almost every claim of discrimination available under Federal law and potentially broadens the scope and application of the civil rights laws to entirely new fact patterns, practices and claims.

It also would allow an employee or any individual who can arguably claim to be affected by an allegedly discriminatory decision relating to compensation wages, benefits, or any other practice to sue for discrimination that may have occurred years or even decades in the past. The anticipated increase in legal and recordkeeping costs created by this legislation would, indeed, be staggering.

Congress should not be in the business of removing incentives for prompt resolution of discrimination claims. And that is what this would do; it would remove the incentive to find a prompt and timely resolution to discrimination claims.

I thank the gentleman from California, and I encourage my colleagues to vote against the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Lilly Ledbetter was shortchanged; shortchanged by her employer, by consistent pay discrimination lasting years; shortchanged again by the Supreme Court with its decision limiting a woman's ability to sue their employers for pay discrimination under title VII of the Civil Rights Act.

As Justice Ginsburg suggested in her dissent, Congress now has an obligation to correct the Court's decision. That's why we are here, to make it clear the title VII statute of limitations runs from the date a discriminatory wage is actually paid, not simply some earliest possible date which has come and gone long ago.

I commend Congressman MILLER for acting with urgency to correct the injustice. It is time to value the work that women do in our society, respecting the work that women do, and to value it.

□ 2215

''The plant manager at Goodyear said, The plant did not need women, women did not help it, and women caused problems.''

The President's threat to veto this legislation suggests he is happy to limit women's access to equal pay. Let's turn this around, fix the decision and make sure that women who face discrimination, like Lilly Ledbetter faced, have a right to fight against it.

Mr. MCKEON. Mr. Speaker, I now yield 4 minutes to the gentleman from Florida (Mr. KELLER), the subcommittee ranking member.

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the practical effect of this legislation is to do away with the statute of limitations in employment disputes. On May 29, 2007, the United States Supreme Court ruled that Ms. Ledbetter's claim was barred by the statute of limitations.

There is a strong public policy reason for having a statute of limitations in the employment context. Witness' memories fade, documents are lost, and employees die. We want these disputes to be resolved while witness' memories are fresh, documents are available, and the employees are alive.

The Ledbetter case is a perfect example. Ms. Ledbetter alleged sexual harassment misconduct by a single Goodyear supervisor, yet she waited 19 years after the former supervisor passed away from cancer to file a lawsuit.

On June 12, 2007, Ms. Ledbetter testified before our Education and Labor Committee. She stated, ''My story began in 1979 when Goodyear hired me to work as a supervisor in their tire production plant in Gadsden, Alabama. I worked there for 19 years. One of my supervisors asked me to go down to a local hotel with him and promised if I did, I would get good evaluations. He said if I didn't, I would get put at the bottom of the list. I didn't say anything at first because I wanted to try to work it out and fit in without making waves.''

At our hearing, I spoke with Ms. Ledbetter at length. She seemed like a nice lady to me. The conversation she described about the motel made you angry about it and sympathetic to her. I wondered what that supervisor would have said 19 years ago. Would he admit it? Would he deny it but not be very credible? Or would he have said that it couldn't have happened because he was in Canada at the time and here is my proof of that?

Well, it turns out that the U.S. Supreme Court was thinking the same type of thoughts I was about this matter. Their opinion makes their concerns crystal clear.

On page 12 of its opinion, the U.S. Supreme Court wrote: ''The passage of time may seriously diminish the ability of the parties and the factfinder to reconstruct what actually happened. This case illustrates the problems created by tardy lawsuits. Ledbetter's claims of sex discrimination turned principally on the misconduct of a single Goodyear supervisor, who, Ledbetter testified, retaliated against her when she rejected his sexual advancements during the early 1980s. Yet, by the time of trial, this supervisor had died and therefore could not testify. A timely charge might have permitted his evidence to be weighed contemporaneously.''

Supporters of the legislation say that the time period of 300 days in most jurisdictions, 180 days in some, is not enough because an employer might hide the fact that the female employee's salary was less than the amount paid to men for the same work.

There are two responses to that. First, the judicial doctrine of equitable tolling would be available to those type of plaintiffs.

Second, the plaintiffs could file a claim under the Equal Pay Act. This Federal law forbids paying women less than men for the same work. It has a longer statute of limitations and an easier burden of proof. Ms. Ledbetter filed a Equal Pay Act claim, but it was thrown out on the merits by the trial judge who found that Goodyear paid

Ledbetter less because of her performance, not sex. Significantly, Ledbetter abandoned this Equal Pay Act claim.

Mr. Speaker, there is an old saying, hard cases make bad law. That applies here. Do we throw out the statute of limitations in employment cases because a nice lady waited 19 years to file a lawsuit? Common sense tells you the answer is no.

The same public policy reasons for a statute of limitations are still there. We want witness' memories that are fresh, documents that are available and employees who are still alive to tell what actually happened.

Mr. Speaker, I urge my colleagues to vote ''no.''

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, this legislation overturns the Supreme Court's 5–4 decision, which offered a very restricted and decidedly unrealistic reading of just when a discriminatory action regarding compensation actually occurs. In doing so, this legislation restores the common and longstanding understanding of employees, employers and the circuit courts alike, that when it comes to discriminatory pay, the protection of title VII extends not only to pay decisions and practices, but to each and every paycheck as well.

Let me say a word about the plaintiff in this case, Lilly Ledbetter. Lilly will not reap the benefits of our legislation, and, as a result, will continue to feel the effect of the court's discriminatory decision to pay her less than her male colleagues for the rest of her life.

Lilly Ledbetter went to work at Goodyear Tires every day for 19 years. She was one of the few female supervisors at the plant. That was quite an accomplishment in and of itself. But what she didn't realize was that for all those years, she was paid less than her male colleagues, 20 percent less by the time she retired, because of discrimination based on her gender.

A jury found that she was discriminated against. They gave her over $3.8 million in back pay and damages. But the Supreme Court said to her, Ms. Ledbetter, you didn't file your claim within 180 days of the decision to discriminate, and, even though each and every one of your paychecks reflects the discriminatory decision, and you didn't have proof of the discrimination until long after the decision was made, you are out of luck. Lilly Ledbetter, we don't care that your monthly pension and your Social Security benefits also reflect that discrimination.

Now, the President says that he is planning to veto this legislation, and we shouldn't be surprised. But as a tribute to Lilly Ledbetter and other women who work hard to support their families, to get ahead, who face discrimination every day of their lives, vote for H.R. 2831.

Mr. MCKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the subcommittee ranking member.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman for yielding. I appreciate your leadership for the people of the United States.

Mr. Speaker, I rise in strong opposition to H.R. 2831. This legislation is being improperly classified as a narrow bill with limited ramifications, that simply overturns a Supreme Court decision made on May 29, 2007. In actuality, it is one of the most overreaching pieces of wage discrimination legislation that has ever been considered. If enacted, this legislation would make it impossible for businesses to defend themselves against actions that occurred years in the past.

We all oppose discrimination. Action against those who discriminate in the workplace should be taken quickly. Current laws ensure that disputes over discrimination are addressed expeditiously and with certainty. This bill would eliminate the 1964 Civil Rights Act statute of limitations governing the time within which a party must make a pay discrimination claim, currently 180 days or 300 days, depending on the State of employment.

As an inactive attorney and a person who practiced for 25 years and the proud father of an attorney, who appreciates the legal profession, I believe a statute of limitation serves many purposes. It encourages the timely filing of claims, helps prevent the filing of stale claims, and, most importantly, protects against abuse of the legal system.

Cases should be brought to court as soon as possible after an incident occurs to guarantee memories are fresh and witnesses are available to testify. In the absence of a statute of limitation, a worker or retiree could sue for pay discrimination resulting from an alleged discriminatory act that might have occurred 5, 10, 20 or even 30 years earlier. This same worker or retiree could seek damages against a company run by employees and administrators that had nothing to do with the initial act of alleged discrimination that occurred dozens of years ago.

I am grateful for the leadership of the Education and Labor Committee ranking member Buck McKeon on this issue. I urge my colleagues to oppose this flawed legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO), a member of the committee.

(Ms. HIRONO asked and was given permission to revise and extend her remarks.)

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, and I would like to thank Chairman GEORGE MILLER of the Education and Labor Committee for his commitment and dedication to bringing this bill to the floor.

Title VII of the Civil Rights Act of 1964 was enacted to protect individuals from discrimination they face in the workplace. This bill amends title VII to ensure employees have a realistic remedy to pay discrimination. The bill reinstates the paycheck accrual rule, a law widely interpreted by eight Federal circuit courts to mean that the 180 day time limit for filing a charge of discrimination with the Equal Employment Opportunity Commission begins each time a discriminatory paycheck is received.

I would like to stress that this bill does not amend the rule that an aggrieved person may only recover back pay for the 2 years preceding the filing of the charge, so there will be no incentive to wait 5, 10, 15 or 20 years, as our opponents claim, to bring such a lawsuit. Moreover, employers prior to the Ledbetter decision were not inundated with stale pay discrimination claims, and this law will in fact not promote the filings of such claims.

The Ledbetter decision was a shocking decision for many of us, because we know what it is like to face pay discrimination in the workplace. It is not as though employers announce that they are going to engage in pay discrimination. Employees are not encouraged to discuss what they are making, so it is very difficult to find out that this kind of discriminatory action is even taking place.

Supreme Court Associate Ruth Bader Ginsburg strongly disagreed with the majority decision stating, ''In our view, the court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination.'' She urged the Congress to act by passing this kind of legislation.

I urge my colleagues to vote strongly in favor of this bill.

Mr. MCKEON. Mr. Speaker, I am happy now to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of the committee.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, like all of my colleagues here on the floor and in the House of Representatives, I fully support efforts to end all forms of discrimination. I admire Ms. Ledbetter's bravery for standing up for her right to work in an environment free from discrimination.

I know what it is like. I sat in law school class and was told by my professor that I was taking up the place of someone who belonged there, a man. As a woman who has felt discrimination, I understand her frustration and I am pleased that Congress is discussing this important issue.

If this bill were an anti-discrimination bill, I would be happy to vote for it and would encourage others to support it. But this bill is not about discrimination. It is about the statute of limitations.

The statute of limitations is an institution in American jurisprudence that pertains to all cases and all causes of

action. For instance, for torts the statutes of limitations is 2 years; for contracts, it is 6 years; for employment determination or discrimination, it is 6 months. We can't legislate change in the statute of limitations just because we don't like a particular Supreme Court ruling.

□ 2230

The statute of limitation requires plaintiffs to bring a claim or a cause of action within a reasonable time. And that is so witnesses don't disappear or die off, memories don't fade, and supervisors don't move on and documents are not discarded or destroyed.

That is why I cannot support the legislation before us today. H.R. 2831 would dismantle the statute of limitation for filing a charge with the Equal Employment Opportunity Commission. If enacted, this legislation would allow an employee to bring a claim against an employer years, even decades, after the alleged act of discrimination.

In addition, this legislation would discourage the prompt investigation and resolution of discrimination. I think everyone would agree that if there is discrimination at an individual's place of work, it should be investigated and addressed as soon as possible to ensure fairness and prevent further discrimination.

Unfortunately, because no hearings were held on this legislation, I think the majority is rushing it through the House with little discussion on the bill itself. We can only speculate as to what all of the ramifications of this bill might be. I know that the gentleman is probably going to say there was a hearing, but it wasn't directly on this bill. So I would encourage my colleagues to oppose this well-intentioned but misguided statute of limitation legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for moving so quickly to fix this bill because we really can't wait. Fixing this bill, and thank you for taking us back to 1964, because that is about what happens here. The bill as it was intended, and this is not a hypertechnical statute of limitations bill. In fact, interestingly, the statute of limitations is not involved at all. It is the same 180 days as it always was.

The bill before us reinstates the law as it was consistently applied and interpreted by the courts, including the United States Supreme Court before, during and after I administered this law as the Chair of the Equal Employment Opportunity Commission and administered this very section. Once before the Supreme Court misread this, and Congress rushed to change it. And here we are back to a Supreme Court really reaching very hard away from what we had already fixed in the 1991 Civil Rights Act.

I want to remind my colleagues that the first pay cases under this act were not brought by women at all. They were brought by black men who were working in Southern factories in a segregated part of those factories, paid less than white men. Imagine if we said, Look, you fellas, go and see if you can find out what the white men, who won't even let you work in the same part of the factory, are earning. Of course we didn't. And of course nobody can require that of women or African Americans, who are just as affected by what we do today as women are.

Imagine, the most secretive information a person has, besides your medical information, is how much money you earn. How many in this Congress, before your earnings were a matter of public record, knew how much the person sitting beside you earned? And particularly, if you are a minority, a woman or a minority, you are not going to go up, and if you are, you are not going to find out.

We have got to fix this. The American people have demanded it. We have to fix it for women. And remind you, we have to fix this for black people, for people of color who bring the majority of pay cases in our country today.

Mr. MCKEON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 14½ minutes, and the gentleman from California (Mr. GEORGE MILLER) has 13½ minutes.

Mr. MCKEON. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX), a member of the committee.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from California for yielding me this time.

Along with everyone else here, I feel it is important to say that I am very much opposed to discrimination. It makes me ill to even think about discrimination that has occurred in this country in the past. But I am also very much opposed to this legislation. We don't need to be throwing the baby out with the bathwater.

When I first went to the North Carolina Senate, I was troubled by the way a lot of things were done there. And someone said to me, If you think that people operate here on logic, you are sadly wrong. They operate on emotion.

We have heard some very emotional comments made about this legislation and why it should be passed. Those of us who are opposing it are opposing it on very logical reasons.

This bill makes dramatic changes to civil rights law and would have an incredibly far-reaching impact, one which supporters of the bill have yet to take the time to thoroughly and appropriately consider. The underlying bill constitutes a major change in and expanded application of employment discrimination law.

Traditionally, civil rights laws have had adequate time for thoughtful review and consideration. However, this bill was brought before the Education and Labor Committee about 24 hours prior to markup and rushed to the floor under a closed rule. It is critical that legislation of this complexity and with the potential for such significant impact be carefully considered and not rushed through only weeks after its introduction.

Many other things have been thoughtfully and rightfully said on our side, but I want to say that we need to talk about an area that is most likely to be dramatically impacted is that of our Nation's retirement system. This legislation contains a pension annuity check rule where charges could be brought many years after the discrimination occurs, and it could have longstanding impact on benefits. It could wind up discriminating against a lot more people than we are trying to help as a result of this legislation.

It is going too fast. We need to slow it down and do it right. We want to not have discrimination, but this is not the way to do it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this bill would restore to employment discrimination victims the realistic chance at justice that the Supreme Court recently took away from them. What is important to understand about the Court's decision is that everyone agreed that Lilly Ledbetter was the victim of intentional discrimination for 19 years. The Court said something truly astonishing, that the only discriminatory act was the initial decision to pay Lilly Ledbetter less than her male coworkers. Once the employer had successfully concealed that fact from her for 180 days, she was out of luck and Goodyear could openly go on paying her less just because she was a woman forever. The initial decision to discriminate was illegal, but the continuing decision to continue paying her less was perfectly okay. This upset 40 years of settled law, 40 years in which the companies of this country went under the rule that this bill would restore.

The Court's decision is an open invitation to employers to violate the law with virtual impunity. Once again, Congress must correct the Supreme Court and instruct it that when we said discrimination in employment was illegal, we meant it, and we meant for the courts to enforce it. And anyone who says that discrimination in employment should be illegal but should not be enforceable if the employer can hide the discrimination for 6 months is really saying let the discrimination go on forever. Let the women and the racial minorities and other people who are discriminated against be discriminated against forever.

Shame on the Supreme Court, and shame on those who would make employment discrimination victims helpless by opposing this bill. I urge adoption of this bill.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from

Texas (Ms. GRANGER), a member of our elected leadership.

Ms. GRANGER. Mr. Speaker, I rise in strong opposition to the Democrats Lilly Ledbetter Fair Pay Act. At first glance, I simply disagree with the name of the bill. The Democrat's Fair Pay Act is not fair at all, not for employers, employees or our legal system.

Every American is entitled to an honest day's pay and we have laws on the book to ensure that is the case. But this bill goes well beyond its scope by effectively eliminating the statute of limitation in workplace discrimination cases.

This imposes a huge burden on businesses and opens them up to litigation years after alleged cases of discrimination. While it is inexcusable for anyone to face discrimination for pay or otherwise, to overturn the Supreme Court decision would allow for a flood of decades-old claims to resurface. The laws we have in place allow adequate time to file a charge against your employer and offers a set of guidelines to help individuals file a claim.

The burden this would place on small business owners and any company to track down a claim that occurred 20 years ago, for example, would cripple the system we have in place. The statutes of limitations are in place to help the employee-employer relationship so when something improper happens, the issue can be dealt with in a timely manner. Merely eliminating these guidelines would allow for someone to reopen a claim after 5, 10 or even after they have retired. Those involved may no longer work at the company or even be alive, for that matter.

If this passes, it will also eliminate the statute of limitations for the Age Discrimination in Employment Act, the American with Disabilities Act, and the Rehabilitation Act.

The Civil Rights Act and the employment discrimination laws currently on the books provide adequate protections for our employees. We should work to ensure that existing laws are enforced to protect employees against discrimination rather than passing overly broad laws that subject employers to open-ended liability.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2831, the Lilly Ledbetter Fair Pay Act. This important legislation overturns the recent Supreme Court decision, Ledbetter v. Goodyear Tire, a decision which undermines title VII of the Civil Rights Act of 1964.

The Ledbetter decision forces victims of discriminatory pay decisions to live with discriminatory paychecks for the duration of their career if they fail to file a claim within 180 days of the discrimination, possibly even if they had no knowledge of the discrimination within the 180 days. In other words, after 180 days, an unsuspecting female, minority, elderly, or disabled worker would simply be out of luck.

This would even be the case if the employer admitted to the discrimination and continued to discriminate after the 180-day limitation had passed.

Mr. Speaker, we hear comments that there would be no statute of limitations. That is not true. Under the bill, there is still a statute of limitations; 180 days still applies. The plaintiff has to show that a discriminatory paycheck was issued within the last 180 days. And if the employer would simply stop discriminating and went a whole 180 days without discriminating, then the statute of limitations would apply and it would be too late to bring a case.

Under the Supreme Court decision, that unjust outcome under the case is not in keeping with title VII's remedial purpose or the spirit of the civil rights cases.

Now, Justice Ginsburg noted in her dissent, ''Congress never intended to immunize forever discriminatory pay differentials unchallenged within 180 days of their adoption.'' I agree with Justice Ginsburg. And she also noted that Congress should correct this injustice. This bill corrects the injustice by appropriately expressing Congress's intent that title VII will hold employers accountable for unlawful employment discrimination.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, in this debate tonight I think we can all stipulate that discrimination in the workforce is wrong. It is wrong if it is against employees, and it is wrong if it is against employers. This bill may very well be seen as discrimination against honest American employers, job creators, because it has a seemingly unending period to file a lawsuit.

With that, women may very well experience real discrimination in that they may find that future employers are reluctant to hire them in the first place for fear of a lawsuit 5, 10, 20, maybe even 40 years down the road. Let's face it, memories fade, people die, they move away, and it becomes difficult, if not downright impossible, for a job creator to defend themselves.

It is a very impractical bill that we are looking at and could likely result in even more paperwork and higher cost for employers, and ultimately less wages for all American employees.

Congress needs to stop discriminating against American companies that are just trying to provide decent jobs to great employees. Instead, I think Congress should focus on enhancing American competitiveness and American prosperity.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

□ 2245

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I met Lilly Ledbetter during the House Judiciary Committee hearing last month. At that time, she explained how she was repeatedly harassed during her 20-year career at Goodyear. Lilly Ledbetter described for us in Judiciary how she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. Now, as much as our colleagues on the other side of the aisle would like to wish it to be otherwise, until a few months ago, it was established law that each paycheck constitutes a discriminatory act under the law.

When they were confirmed, Chief Justice Roberts and Justice Alito promised to follow precedent. They promised to practice judicial restraint. Instead, they rewrote the law and pushed an activist, conservative agenda. They denied Lilly Ledbetter justice.

In the real world, discrimination is subtle and takes years to become evident. However, Justice Alito ruled that victims have only 180 days after a discriminatory decision has been made to file suit, even if that employee would have no way of knowing about it. This standard is impossible to meet. The opponents of this bill expect employees to be clairvoyant.

Many companies intentionally prohibit their employees from comparing salaries and pay raises, and this decision will allow employers to shield discriminatory practices.

The Ledbetter Fair Pay Act rights this wrong. It clarifies that an employee is discriminated against each and every time she receives an unfair paycheck, and I'm surprised at my colleagues, particularly my female brethren on the other side of the aisle, who are standing in front of this House and asking the House to continue and repeat the practice of discrimination against women who have been unfairly treated for years and years.

I urge my colleagues to support fair pay in the workplace, and I thank Chairman MILLER for his leadership on this issue.

Mr. MCKEON. Mr. Speaker, I'm happy now to yield to the gentleman from New Mexico (Mr. PEARCE) 2½ minutes.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I rise to oppose this legislation today. Many have stated it well, that discrimination is not the subject here tonight. It is the end of the statute of limitations which is at issue.

I would like to just make a point that often we're accused in Congress of appealing to the special interests, and I can't tell what the motivation is on this particular piece of legislation. It could have been narrowly scripted to where it applied only to the person that was being affected, to where the question of whether or not it applies to the full statute of limitations really would not even be a question.

I can tell you that on Thursday of last week we sat in the Resources Committee, and we heard testimony that talks about the Hard Rock Mining bill that is coming up to regulate Hard Rock Mining. There is a provision written by a former Clinton solicitor who is now working for a special interest group. That provision in that legislation we read says, ''Notwithstanding the decision of the United States Court of Appeals for the Tenth Circuit in High Country Citizens' Alliance v. Clarke,'' and then it goes on to say that all the decisions in court are going to be set aside, and we're going to allow this group to go back to court once more.

Keep in mind that the district court found against the group, then the appellate court found against the group, and finally, the Supreme Court said we will not hear the case. So all three levels of judicial review had been listened to and turned down, and yet this Congress, this majority, says we're going to set it aside. That was last week Thursday.

Last week Friday, we had the Imams case, the John Does. You will recall that how innocent people who report suspicious behavior would be taken to court. Three-quarters of this House voted against that, and yet the House's leadership found it necessary to strip the provision out in conference. That provision was stripped out, and that provision was added then only under great pressure from this country.

And now we're at this case. It would have been possible and could have been possible to narrowly craft this legislation to where the question did not come up. I feel that it is the special interests of the trial lawyers who in each case would have had open venue, open access to many millions of Americans which was at stake, and I feel that's what's like at stake here.

It is not good for American business. It is not good for American competitiveness. I'm deeply opposed to this legislation, and I thank the gentleman for yielding.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve my time.

Mr. MCKEON. How much time do we have?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 6½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes remaining.

Mr. MCKEON. Mr. Speaker, I'm happy to yield at this time to the gentleman from Minnesota (Mr. KLINE) 3 minutes, ranking member on the subcommittee.

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to oppose H.R. 2831. I think it's been really an interesting debate this evening. We've heard views on both sides, and clearly, we simply disagree on some fundamental aspects of this, and I want to address that as well during my 3 minutes.

Speaker after speaker on this side of the aisle has stood up and said that this legislation effectively eliminates the statute of limitations for a broad range of discrimination claims. I believe that's correct.

The gentleman from Florida (Mr. KELLER) stood up here and recounted for us the activities of the Supreme Court, and he quoted from the justices the language that pertained, and it seemed clear to me that there was a fairness issue here. And while our hearts were all touched by the testimony of Lilly Ledbetter and by the circumstances of her case, it was clear to the court and to Mr. KELLER and to me that it's simply unreasonable to allow year after year after year to go by after a discriminatory act occurs before you make the claim, when in some cases people will have left, perhaps have died and moved on.

This is a huge boon to the trial lawyers of America. It's going to bring forward endless litigation, case after case going on day after day. What businesses will have to do in terms of recordkeeping is staggering in its scale.

This imperils pensions. One of our colleagues brought up that issue. It is not at all clear, despite some findings language in the bill, that our pensions will be protected in this legislation. Potentially, you can have pensions who simply don't have the funds to pay the earned benefits. This is bad policy, Mr. Speaker, and it's made in haste.

Mr. Speaker, it is very clear that this legislation amounts to a significant change in our civil rights laws. It's very clear to me, and unfortunately, many of the questions of concern raised by the Ledbetter case have yet to be answered. In the normal legislative process, such questions would have been raised in committee hearings, subcommittee and full committee. Concerns would have been debated in good faith.

Unfortunately, this was not the process that brought this bill to the floor. The Committee on Education and Labor had no legislative hearings. The bill was not before us the one time we had some witnesses before us to talk about this at all. The time elapsed from the bill's introduction to committee markup was little more than 24 business hours, and we learned on Friday that we were going to be debating this bill on the floor today. Surely, a huge change like this to our civil rights laws deserves more of our time, attention and effort than the majority has seen fit to provide.

Once again, the majority has chosen haste and speed over quality in making public policy. My concerns and unanswered questions can only lead me to say that the Ledbetter bill makes for bad policy, creating a flawed legislative process.

I urge my colleagues to vote against this legislation.

Mr. GEORGE MILLER of California. If I can inquire of the Chair as to the allocation of time?

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes. The gentleman from California (Mr. MCKEON) has 3½ minutes.

Mr. GEORGE MILLER of California. As I understand, I have the right to close.

The SPEAKER pro tempore. The gentleman has the right to close.

Mr. GEORGE MILLER of California. We're reserving 3 minutes; is that right?

Mr. MCKEON. It was my understanding we were going to finish up tomorrow.

Mr. GEORGE MILLER of California. So we're reserving 3 minutes each. You've got a half minute. You and I will close, and we will each have 3 minutes for tomorrow.

Mr. MCKEON. So you want me to take 30 seconds?

Mr. GEORGE MILLER of California. Yes.

Mr. MCKEON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, as Mr. KLINE just said, I think we have had a good debate here tonight.

As we did have that hearing on Ms. Ledbetter's case, the bill wasn't before us, but we did hear her story. And all of us I think felt bad for her for the things that happened to her 20, 30 years ago.

But what was also said, as we're sent here to represent all of our constituents, we can't totally let emotion guide our decisions. We have to make good law, sound law, and I think we're worried about losing the statute of limitations. I think that's something we really need to protect against.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let us understand something here. They can say it until the cows come home, but the fact of the matter is, this legislation restores the law to what it was before. Up until the Supreme Court made its ruling, each discriminatory check that was issued was a violation of the law, and you had 180 days from the issuance of that check when you discovered it to file a claim. This legislation would restore that law as it was.

If you file that claim, if you were successful in proving your claim, you could receive up to 2 years back pay. That was the law up until the Supreme Court decision. That would be the law if we passed this legislation.

Now, my colleagues on the other side of the aisle have said that if we pass this law, the courts will be inundated with lawsuits. The people will wait 5, 10, 15, 20 to file a lawsuit, that there will be cases where the witnesses die and memories fade and long times will expire and we won't be able to have justice. It will be a huge cost on the business community. It will change our competitive stature in the world. It will limit economic growth. All of that from little Lilly Ledbetter.

What's the problem with that? If all of that was true, why haven't my colleagues come to the floor of the House in the 12 years they controlled the House of Representatives and the United States Senate and asked to change the law? Why hasn't the President of the United States, who's been in office for 6½ years, asked to change the law?

Why hasn't that happened? Because none of the things you talked about happened under the previous law. It didn't change our competitiveness. They weren't involved in thousands of cases. People didn't wait 40 or 50 years to get 2 years back pay. No, none of those things happened.

But they want to scare people into believing if we go back to the law as it was before the Lilly Ledbetter case and the Supreme Court overturned all of these years of laws and justice and fairness and anti-discrimination provisions, that somehow all of these terrible things would happen, but they didn't happen, and that's been the law all of these years.

So, tomorrow we will get an opportunity to vote to restore the protections of every American citizen against pay discrimination, to restore justice to the workplace, to restore the right of an individual to be paid the same as those who are doing the same job for the same reasons and the same purposes. That's what we seek. That's all Lilly Ledbetter sought, but she couldn't get justice at the Supreme Court. No, she couldn't get it even though a jury found that that could be the situation.

So we're going to have to restore this for the people of this country, and again, we'll simply be restoring the law. You can tell the doomsday scenarios all day long. You can predict all of the things that are going to happen, but none of them have happened in the last 35 years. None of them have happened in the last 35 years.

So at least you ought to properly represent what the law was and what the law will be, and with that, I look forward to the conclusion of the debate tomorrow.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I met Lily Ledbetter during a House Judiciary Committee hearing last month. At that time, she explained how she was repeatedly harassed during her 20-year career at Goodyear. She told me how she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. Until a few months ago, it was established law that each paycheck constitutes a discriminatory act under the law.

When they were confirmed, Chief Justice Roberts and Justice Alito promised to follow precedent—they promised to practice judicial restraint. Instead, they rewrote the law and pushed an activist, conservative agenda. They denied Lily Ledbetter justice.

In the real world, discrimination is subtle and takes years to become evident. However, Justice Alito ruled that victims have only 180 days after a discriminatory decision has been made to file suit—even if that employee would have no way of knowing about it! This standard is impossible to meet.

Many companies intentionally prohibit their employees from comparing salaries and pay raises, and this decision will allow employers to shield discriminatory practices.

The Ledbetter Fair Pay Act rights this wrong. It clarifies that an employee is discriminated against each and every time she receives an unfair paycheck.

I urge my colleagues to support fair pay in the workplace, and I thank Chairman MILLER for his leadership on this issue.

Mr. STARK. Mr. Speaker, I rise in strong support of pay equity.

The rationale for the Ledbetter Fair Pay Act of 2007 should be obvious. All people, regardless of gender, race, ethnicity, and religious or sexual orientation, should receive equal pay for equal work.

Unfortunately, that is not the case today in America. African-Americans make only 77 cents for every dollar made by men, black families make about 60 cents of every dollar made by whites, and gays, lesbians and other minorities regularly face discrimination in the workplace.

The Supreme Court's recent decision makes it incredibly difficult for employees to challenge acts of discrimination. The decision limits to six months the period in which victims can challenge their employers and be compensated for discrimination.

Such a time limit was insufficient for Lily Ledbetter, whose pay slowly slipped in comparison to the pay of her male coworkers over a period of nineteen years. It would also be insufficient for millions of other workers, who often learn of pay discrimination only after the fact. The majority of companies do not release information on comparable salaries, making it, difficult if not impossible for employees to determine if wage discrimination is taking place.

In a typicaly shortsighted move, Bush has threatened to veto this bill on the grounds of preventing frivolous lawsuits. The word "frivolous" can be used to describe many things, but it most certainly cannot be used to describe a bill that brings the people of this country a step closer to the equality that they deserve. For someone who claims he wants to spread the principles of equality and democracy to the people of the Middle East, it is unfathomable that he would fail to uphold these ideals for the people of this country.

As representatives of a country that was founded on the idea of equality for all, there is no excuse for denying citizens the opportunity to contest acts of discrimination. I urge my colleagues to support this important legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the Ledbetter Fair Pay Act of 2007 (H.R. 2831), which is an important step in ensuring the fair and equal pay deserved by women in our workforce.

Women have made tremendous strides forward in America's workforce. Earlier this year I was proud to see the election of the first female Speaker of the House. Today, women serve as executives at some of America's largest corporations and in distinguishing professions such as medicine and law. However, 43 years after the Civil Rights Act was enacted by Congress, women such as Lilly Ledbetter continue to struggle to receive payment equal to their male counterparts. These women, who perform the same jobs with the same responsibilities, on average earn only 77 cents for every dollar that their male counterparts earn. They have had to overcome one obstacle after another on their way to earning equal pay and equal respect for their work.

On May 29th, 2007, the United States Supreme Court threw yet another obstacle into the path of women in the workforce with the decision of Ledbetter v. Goodyear. According to this decision, if an employee fails to file a claim within 180 days of their employer's decision to pay them less, rather than when she receives a discriminatory paycheck, she will be barred forever from challenging the discriminatory paychecks that follow and forced to live with the discriminatory pay for the rest of her career. If this is allowed to stand, it will be a severe setback to women everywhere.

I am proud to be a cosponsor of H.R. 2831, which would restore protections guaranteed under Title VII of the Civil Rights Act for victims of pay discrimination who are entitled to justice and fair pay. Contrary to what opponents of this legislation have said, this bill does not eliminate the statute of limitations on claims. What it does is ensure that the clock on the statute of limitations begins once a discriminatory paycheck is received rather than from the point a decision was made to discriminate against an employee. Every discriminatory paycheck will be a new violation of this law and restart the clock for filing a claim. Until the Ledbetter decision, this was the accepted understanding of Title VII and this bill will restore the law prior to Ledbetter.

Mr. Speaker, we must continue the fight for pay parity begun by Congress over 40 years ago. I would like to thank Chairman GEORGE MILLER for his leadership on this important issue in the House Education and Labor Committee. This piece of legislation, as well as the Paycheck Fairness Act (H.R. 1338) introduced by my good friend Representative ROSA DELAURO of which I am also a cosponsor, are needed to ensure women continue to receive equal treatment. I urge all my colleagues to stand up for women workers and vote in favor of this bill.

Mr. LOEBSACK. Mr. Speaker, I rise today, in strong support of the Lilly Ledbetter Fair Pay Act of 2007. This bill will rectify the 5–4 Supreme Court decision in the case of Lilly Ledbetter and preserve worker's rights everywhere.

Lilly Ledbetter was a female production supervisor at a Goodyear plant in Gadsden, Alabama. She worked for 19 years and retired in 1998. Six months prior to her retirement she filed a charge with the EEOC alleging various claims of sex discrimination.

Despite receiving awards for top performance, Ms. Ledbetter received several unfair, negative evaluations and her pay dropped well below that of her male counterparts. Ledbetter's supervisor even admitted that one year her pay fell below the minimum threshold for her position.

Ms. Ledbetter's case went to trial, and an Alabama court found in her favor, but Goodyear appealed and the case eventually went to the Supreme Court. Unfortunately, the Supreme Court tossed aside prior law and ruled against Ms. Ledbetter.

This case has far reaching effects on all worker's civil rights. If an employee does not file a charge within 180 days of a discriminatory pay decision, the employer's pay decision is immunized. The employee must live with discriminatory pay for the rest of her tenure,

and the employer reaps the financial benefits of unlawfully underpaying the employee.

There are numerous problems with this line of reasoning. Employees often don't know about a discriminatory decision until it is too late. Pay disparities are difficult to discern. Many employers prohibit employees from discussing their salaries, and workplace norms warn against asking coworkers about their salaries. Additionally, a minor pay disparity adopted for discriminatory reasons in the beginning of a career may go unnoticed until, years later, after subsequent percentile adjustments, it is too large to ignore.

This bill overturns the Ledbetter v. Goodyear decision and restores the longstanding interpretation of Title VII of the Civil Rights Act and states that each paycheck that results from a discriminatory decision is itself a discriminatory act that resets the clock on the 180-day period within which a worker must file.

This bill acknowledges the realities of the workplace and provides necessary protections to hardworking men and women. I urge my colleagues to support its passage.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 2831, The Lilly Ledbetter Fair Pay Act of 2007.

I want to thank my friend, Congressman GEORGE MILLER, for sponsoring this bill and for his tireless efforts on behalf of working American families everywhere.

This past May, the Supreme Court handed down a decision with disastrous consequences for many Americans. With their ruling on the Ledbetter v. Goodyear case, the Court severely limited the right of workers to sue their employers for discrimination in pay.

If allowed to stand, this decision will strip many of the rights of employees who have been discriminated against on the basis of sex, race, color, or religion.

Today's bill rectifies the Supreme Court's misguided decision.

By restoring the longstanding interpretation of Title VII of the Civil Rights Act—Congress is ensuring that every American has the basic workplace protection they deserve.

Currently—women earn 76 cents to every dollar a man earns. This is unacceptable. Discrimination in the workplace must no longer be tolerated. We must ensure equal pay for equal work.

It is our duty to protect the rights of every American—no matter their skin color, gender, or income level.

I urge my colleagues to protect the rights of working Americans and to vote in favor of H.R. 2831.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in strong support of the Lilly Ledbetter Fair Pay Act of 2007.

The Supreme Court ruled in a narrow 5–4 decision that Lilly Ledbetter was not entitled to any remedy after demonstrating she had been paid as much as 40 percent less than male workers doing the same job for 19 years. The decision was founded on a narrow misreading of the intent of Congress in the Civil Rights Act of 1964. The Court erroneously ruled that Ms. Ledbetter could only rely on paychecks she received in the final 180 days of her career at Goodyear to prove discrimination.

Mr. Speaker, the Supreme Court's narrow reading of the law prompted me to introduce my own legislation to correct this injustice. I was joined by Congresswoman CAROLYN KILPATRICK and Congresswoman DEBBIE WASSERMAN SCHULTZ as original authors of H.R. 2660, the "2007 Civil Rights Pay Fairness Act". I want to thank them both for working with me on this issue, and I commend our Chairman GEORGE MILLER for moving expeditiously to right this wrong. Chairman MILLER's bill brings about a different remedy in H.R. 2831, but it is no less forceful, and I am proud to also be a cosponsor.

Both bills clarify the intent of Congress by amending the Civil Rights Act of 1964 to make clear that courts must consider a pattern of pay decisions that recur and are cumulative. H.R. 2660 and H.R. 2831 are bills that ensure that victims of workplace discrimination receive effective remedies. The decision of the Court in this case was a sharp departure from precedent and would greatly limit the ability of pay discrimination victims to vindicate their rights.

Congress must make clear that a pay discrimination claim accrues when a pay decision is made, when an employee is subject to that decision, or at any time they are injured by it. As a former prosecutor and County Executive, I fought against this kind of injustice and I am pleased this House is ready today to stand up and correct the error of the Supreme Court in the Ledbetter case.

Mr. Speaker, I urge my colleagues to vote in favor of the Lilly Ledbetter Fair Pay Act of 2007 to correct the Supreme Court's misinterpretation of Title VII regarding when a pay discrimination claim is timely filed.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the principle of equal pay for equal work and the Lilly Ledbetter Fair Pay Act of 2007, H.R. 2831.

On May 29, 2007, the Supreme Court issued a disturbing and retrobressive ruling. In a 5–4 ruling the Court issued its decision in a sex discrimination case, Ledbetter v. Goodyear, that fundamentally changed protections that American workers have enjoyed for more than 40 years when they were codified in the Civil Rights Act of 1964.

As a member of the House Committee on Education and Labor, I participated in a hearing on the flawed ruling in Ledbetter v. Goodyear. During that hearing the Committee heard testimony from Lilly Ledbetter describing the pay discrimination that resulted in her earning twenty percent less than the lowest paid man in the same position at Goodyear.

Applying the law as it was written and intended, the trial court awarded Lilly Ledbetter backpay and compensatory damages because of Goodyear's illegal sex discrimination. On appeal it went all the way to the Supreme Court, where Justice Samuel Alito led the 5–4 majority in dismissing the case. According to Justice Alito, when Lilly Ledbetter failed to file a discrimination case within the statutorily provided 180 days from the initial decision to pay her less than her male colleague, she was barred from filing a complaint and no relief was available. Despite documenting the sex based evaluation system Goodyear managers used, Lilly Ledbetter was denied justice and the rights afforded to her under the Civil Rights Act.

In a strongly worded dissent Judge Ginsburg noted the fallacy of the Majority's argument regarding the timeliness of Lilly Ledbetter's filing. She reminded the Court that a previous ruling that held each "paycheck perpetuating a past discrimination . . . are actionable not simply because they are 'related' to a decision made outside the charge-filing period . . . but because they discriminate anew each time they are issued."

Judge Ginsburg explicitly called on Congress to intervene and uphold the protections provided by the letter and the spirit of the law, saying "the ball is in Congress' court."

Today, we answer Judge Ginsburg's call and reverse this disturbing Supreme Court decision. Today, we make clear that Congress is committed to protecting the rights of American workers and to ensuring that they have adequate remedies if they are discriminated against in the workplace.

The passage of the Lilly Ledbetter Fair Pay Act of 2007 clarifies that when it comes to discriminatory pay, the protections of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act extend not only to these discriminatory pay decisions and practices but to every paycheck that results from those pay decisions and practices. Any reasonable citizen who believes that we need protect the rights of workers for fair treatment at the workplace and fair pay would surely find the Supreme Court decision unreasonable. We must act once to reestablish fairness. I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my unexpired time, and I reserve the 3 minutes for tomorrow.

□ 2300

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 579, further proceedings on the bill will be postponed.

EIGHTMILE WILD AND SCENIC RIVER ACT

Mr. GRIJALVA. Madam Speaker, pursuant to House Resolution 580, I call up the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 986

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eightmile Wild and Scenic River Act".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed

hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the ''Eightmile River Watershed Management Plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(__) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

''(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the ''Eightmile River'') shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—

(1) ZONING ORDINANCES.—For the purposes of the Eightmile River, the zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(2) ACQUISITION OF LANDS.—The provisions of section 6(c) of the Wild and Scenic Rivers Act that prohibit Federal acquisition of lands by condemnation shall apply to the Eightmile River. The authority of the Secretary of the Interior to acquire lands for the purpose of managing the Eightmile River as a component of the National Wild and Scenic Rivers System shall be—

(A) limited to acquisition by donation or acquisition with the consent of the owner of the lands; and

(B) subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

The SPEAKER pro tempore (Ms. SHEA-PORTER). Pursuant to House Resolution 580, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–264, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 986

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Eightmile Wild and Scenic River Act''.

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the ''Eightmile River Watershed Management Plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(_) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

''(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the ''Eightmile River'') shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed ''villages'' and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (B). The authority of the Secretary to acquire lands for the purposes of this Act shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

The SPEAKER pro tempore. The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself as much time as I may consume.

H.R. 986 would designate 25.3 miles of the Eightmile River and its tributaries in Connecticut as a national scenic river. The bill was introduced by my friend and colleague, Representative Joe Courtney, who has been a strong and effective advocate for this designation.

H.R. 986 would protect portions of the Eightmile River that have been found to have outstandingly remarkable values, including an intact watershed with a natural flow, very high water quality, unusual geological features, and large numbers of rare plants and animals.

The bill would designate five segments of the river and its tributary as scenic under the Wild and Scenic River Act.

The designated segments would be managed according to a plan produced pursuant to the 2001 Eightmile River Wild and Scenic River Study Act.

The administration supports the legislation. The National Park Service has found these segments of the river and its tributaries to be eligible and suitable for designation. Under the provisions of the bill, the river will be managed pursuant to a partnership agreement as envisioned in section 10(e) of the Wild and Scenic River Act.

H.R. 986 is cosponsored by the entire Connecticut House delegation. Both Connecticut centers support the designation, as does the Republican Governor of Connecticut and the State legislature.

I submit for the RECORD a letter from Governor Rell, dated July 11, 2007, in support of the bill.

EXECUTIVE CHAMBERS,
STATE OF CONNECTICUT,
July 11, 2007.

Hon. NANCY PELOSI,
Speaker of the House of Representatives.
STENY HOYER,
House Majority Leader.
JOHN BOEHNER,
House Minority Leader.
ROY BLUNT,
House Minority Whip.

DEAR SPEAKER PELOSI AND CONGRESSMEN HOYER, BOEHNER, AND BLUNT: I am writing to express my support for H.R. 986, which will designate certain sections of the Eightmile River in southeastern Connecticut for inclusion in the National Park Service's Wild and Scenic Rivers System. Including parts of this exceptional natural and cultural resource within this program will help ensure that it receives the protections that it deserves.

I understand that this legislation also will protect property owners from having their lands taken by condemnation without the consent of the property owner. As you may know, this has become an important issue in Connecticut in the wake of the U.S. Supreme Court's Kelo decision, and I am pleased that H.R. 986 will respect the rights of property owners.

Thank you for your efforts to help preserve this river, its tributaries and watershed.

Very truly yours,

M. JODI RELL,
Governor.

The legislation also enjoys ample support from the affected local communities, including the local governments of the towns of Salem, East Haddam and Lyme.

During the committee consideration of the bill, there had been expressed concern about the private property provisions in the legislation.

To ensure that the bill is absolutely clear on this point, I offered, and the Natural Resources Committee adopted, language that deems the zoning ordinances adopted by the towns of Salem, East Haddam and Lyme to satisfy section 6(c) of the Wild and Scenic River Act, and thus the bill expressly prohibits the use of Federal condemnation of authority under the Wild and Scenic River Act.

In addition, the bill goes on to expressly forbid Federal condemnation for the Eightmile River designation. The authority contained in the bill to acquire land is limited to donation or

acquisition with the consent of the owner of the property. We have not one but two provisions, making it abundantly clear there will be no Federal condemnation along the Eightmile River.

These provisions track the language used in several wild and scenic river designations in the east, including the designation of Connecticut's other wild and scenic river, the Farmington River. The language has been in effect for over a decade without questions or ambiguity on those rivers or in court.

The opposition has said that they only want to add language to deny Federal condemnation. Given the language already in the bill, this would be plainly redundant. We simply ask that when all else fails, that they read the bill.

The specific language of H.R. 986 denies the Federal Government any condemnation authority. The Bush administration has assured us that they consider the language to be absolutely unambiguous.

H.R. 986 was originally considered by the House on July 10. When the vote was taken, the bill got a clear majority on a vote of 239–173 but failed to get the two-thirds necessary for passage under suspension of the rules.

Since the only amendment that opponents have raised is clearly unnecessary, we believe the procedure under which the bill is being considered in the House today will allow the House to work its will on the measure.

This is a good bill. I want to commend my colleague from Connecticut, Representative COURTNEY, for his commitment and leadership on this matter.

We support the passage of H.R. 986, as amended, and urge its adoption by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I have had the wonderful opportunity, or privilege, I guess, at different times, of standing, sitting in this chair, standing at this mike either to present bills or to control time or to present rules. Oftentimes, I was perplexed at the discussion that went on, because oftentimes our side would be giving wonderful speeches and their side would be giving wonderful speeches but never on the same topic. We didn't even have the terms defined. That will not happen today with this particular bill, because there is but one issue, and the issue is clear, and it is precise.

We do not have a problem with the creation of the wild and scenic river for this Eightmile area in the State of Connecticut. I am under the assumption that at the public hearings that were held in Connecticut, issues that could be of concern, for example, if you have a kid and want to add a bedroom, if you want to add a garage to your home, if you want to fix the roof to your house, if you want to repair a road that's been washed out or even ask to clear some of the brush next to the river, that not only could that possibly be prohibited, but it would probably be prohibited because there is precedent in other wild and scenic areas where that exact same thing has happened.

But, with that, and I am sure it was covered in those public hearings, I am convinced a majority of residents in this area supported the wild and scenic area. I was somewhat disenchanted, when we were told in the hearing it was unanimous support. Later on, we found out it was not that and the record has been amended to illustrate that.

In one city, in which one of the letters I received said only five people were opposed to it, in reality it was about a 400-person meeting with about a third, about 40 percent who were opposed to it. Still not a majority, so I am not opposed to the scenic river.

What is significant, though, is there is a significant minority of individuals in this area that are fearful of what may happen to their homes in this area. Their rights and their fears should be considered and should be considered carefully. It is ironic that this happens to be in the district in which both the leaders of the State and local government turned their backs on Susette Kelo and brought about that infamous court case decision dealing with Kelo, imminent domain issues.

We do not want that to be replicated, which is clearly why the Republicans presented language in both the Resources and Rules Committee to make it specifically clear what was the intent of this bill. The language we propose simply says, no Federal funds may be used to condemn land to carry out the purposes of this act or the amendment made by subsection B. Nothing would be done. It is puzzling to us why the Democratic Party would not support that language, when all the Democrats from the sponsor to the committee chairman say that is, indeed, their goal.

If their goal is not to use condemnation, then you should say so. Why this wasn't accepted in a bipartisan way is, for me, puzzling. Otherwise, this bill need not to be here today; it could easily be handled by unanimous consent.

The language that the chairman of the subcommittee gave you does not prohibit condemnation. It is based on zoning ordinances, zoning ordinances.

It is unusual that, indeed, Federal statute should be contingent on local governments coming up with their zoning ordinance as of a specific date.

What happens if they don't have those? What happens if they change those zoning ordinances, as has already happened?

This is like a trial lawyer's dream come true in being able to take this language to a court and say, Look, Congress didn't specifically protect property rights with no condemnation language; they put their emphasis on local control. Ergo, local control should take precedence.

They claim that the only land that will be taken will be done by donations or willing sellers. Another phrase, we have problems, simply because we have files that are bulging, of citizens who became willing sellers only after years of harassment put on them by Federal agencies.

If you mean that you don't want condemnation, say it. Say it in logical terms that any citizen, any lawyer or any judge will clearly understand.

If you don't mean it, then use doubletalk, use loopholes. There is more that we need to talk about on this particular issue.

Madam Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Madam Speaker, local ordinances are being changed, and that will allow the National Park Service to invoke its condemnation authority as one of the issues that my good friend brought up now.

What I would like to say, the specific language of the bill denies the National Park Service any condemnation authority. Even if a local government were to change this ordinance, the National Park Service wanted to exercise condemnation authority, they would have to come back and they would have to get this law changed.

Madam Speaker, I yield as much time as he may consume to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Speaker, I rise in strong support of H.R. 986 and commend Representative COURTNEY for his outstanding work.

JOE COURTNEY, in so many ways, is a story about so many people who come to the House of Representatives, not unlike ''Mr. Smith Goes to Washington'' and finds out that, when he presents a bill that's straightforward and works diligently at it and presents it on the floor, only to find that opposition rises where there should be unanimity.

Now, my good friend and colleague from Utah talks about the concern of imminent domain, and yet the bill clearly forbids this. More important than the bill, however, that local authorities in the communities of Salem, East Haddam and Lyme and the entire Connecticut legislature, as well as the Republican Governor from the State of Connecticut, as well as the entire Connecticut delegation, including Republican CHRIS SHAYS.

It seems as though Mr. COURTNEY has, perhaps, committed the grievous sin of coming to Washington and being able to accomplish more in 6 months than his predecessor accomplished in 6 years. For this, he is to be punished.

This bill should be by unanimous consent, an acclamation, because of the way it was worked on, because of the kind of support that it has, because of how important it is to the citizens of the State of Connecticut, who, indeed, on a local level and at the State level through the legislature, and for a party that claims to be for States' rights, why they would oppose the will of the local entity, and the State legislative body, and the Governor of the State of Connecticut, is somewhat astounding.

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Now, I am sure if that happened in Utah, if the legislature in Utah passed it, if the Governor in Utah agreed with it and local municipalities approved of it in the impacted region, you would oppose it as well. I think not. But such is the case here.

And I am pleased that the gentleman from Arizona outlined and articulated this very important piece of legislation for the citizens of the State of Connecticut. As I said, and I will repeat again, it has the support of the entire Connecticut delegation, including our two United States Senators. Why? Because this is a project that has been worked on for 10 years, because it has gone through a very thoughtful process. And the difference being that they finally elected an individual who is effective, who has the capability of bringing people together on all sides of the issue and making sure that he gets the job done.

Congratulations, Joe. Job well done.

Mr. BISHOP of Utah. I am very pleased to yield to the gentleman from New Mexico (Mr. PEARCE) such time as he may consume.

Mr. PEARCE. I thank the gentleman from Utah and recognize the hard work of my friend from Arizona (Mr. GRIJALVA).

I think that we all agree patently that the underlying bill is not a problem. The problem is a very simple sentence that my friend from Utah would have included: no Federal funds may be used to condemn land, carry out the purposes of this act, or the amendment made by subsection B. It is a very simple amendment, one that is very clear.

One would have to ask: Are there circumstances where we would be concerned about confiscation? Is it a valid concern? Has it been done before? Is it a worry that land owners or property owners might have to fear that confiscation would actually reach in and take their property and wrestle it away from them? That is the essential question before us.

As the chairman of the Parks Subcommittee last year, we had the opportunity to listen to people along the Appalachian Trail. The Friars case was most prevalent. It is not the actual condemnation; it is the threat of condemnation that is the tool that is most often used; that we begin to persist from the Federal Government that we are going to take your land; that we can; that you need to just get along. So we have seen up and down the Appalachian Trail problems that come when land owners get in the way of a very strong central government.

A couple of weeks ago I had the opportunity to be in Shenandoah National Park. I was amazed at the boldness of the park superintendent there. The entire visitors center was filled with stories of exactly the same thing, where a too strong Federal Government came in and began to take people and move them off the land because they were just so inconvenient. These constitutional rights of private property ownership were so inconvenient that we simply confiscated their land and moved about 4,000 families out of that whole Shenandoah area.

Confiscation is a very real thing to people of New Mexico. The White Sands missile range extends for 100 miles north to south, 40 miles east to west. Ranch was confiscated because the Defense Department felt like it wanted to create a training base. Now, all of us in the area support the training base. We support that it is the largest overland missile training proving ground in the world. We are able to do magnificent things there. But we cannot turn a blind eye to the way that parcel of land was put together, by taking people and evicting them off their land.

Recently, I had the opportunity to stumble across one of the books that people in dire frustration write in their home. No major publisher would pick it up and do it. It wasn't very well written, maybe. But it was published on a small printer or maybe even one of the old copying machines that we used to have in high school, but it talked about 50 years of confiscation there in that one section of New Mexico.

So, yes, we do in this country face a problem of a too strong central government. I don't know if it is going to be a problem; Mr. BISHOP alludes to the fact that we have land owners there who are expressing their concern of what is going to happen to them. None of us can say what any bureaucracy would do in the future. All we can do is offer the security of this one simple sentence: no Federal funds may be used to condemn land to carry out the purposes of this act or the amendments made by this subsection (b).

Now, there are those who completely oppose this kind of restriction. Recently, I volunteered to help with the Continental Divide Trail that runs north-south, through the United States. It starts at the Mexican border, goes all the way to the Canadian border, and runs all the way north to south through New Mexico. That trail was originated in 1978 language, but in the intervening years not one mile across private property had ever been gotten. I volunteered to take that task on, but the one reassurance people wanted was, don't let them come and take my land later.

I am sympathetic to the rights of private property owners. I think that we all should be, because private property ownership is at the heart of the success of our democracy and this Republic that we represent people in. Private property ownership is the basis of our Constitution. It is the basis of the economic way of life that we have in this country, and we should jealously guard it even to the point of putting in simple language like that that Mr. BISHOP has suggested. It is not an unreasonable request.

And, no, it is not some scheme rigged up to make it look like someone didn't get their job done. It is simply the people out West, where 60 and 70 and 80 percent of our States are owned by Federal Governments. Those people out West have a different view than those people on the east coast where almost nothing is owned by the Federal or State government. And we out West say, please, just take the time to put in this one simple sentence, to take the precautions that would protect the constitutional rights and liberties of our residents. It is not an unreasonable request, and we simply ask that the bill be voted against because of that one provision that is missing. I thank the gentleman for yielding.

Mr. GRIJALVA. I thank the gentleman from New Mexico. And I would just point out that every time, and I am guilty of that, too, when we vote for a highway bill, a defense bill, a water bill that comes before us, we are voting for the ability of the Federal Government to conduct condemnation. This is not the case in this legislation. It is specifically prohibited in two sections of this bill.

I yield to the sponsor, my good friend from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Speaker, I thank the gentleman for his leadership on this legislation. And I also want to thank my colleague from Connecticut (Mr. LARSON) for his strong words in support of this measure, which again is something that people in Connecticut are watching anxiously in terms of the actions of this body.

Madam Speaker, I submit for printing in the RECORD letters of support for this legislation from the Republican Governor of Connecticut, Jodi Rell; the first selectman of the town of East Haddam, Brad Parker; the Republican first selectman from the town of Salem, Larry Reitz; the Republican first selectman of the town of Lyme, Ralph Eno; and also a letter of support from the State of Connecticut's Attorney General, Richard Blumenthal, all of whom have reviewed this legislation and have, very mindful of the situation that occurred in London, a year ago, have examined the question of whether or not this legislation opens the door to condemnation of eminent domain, and all have expressed their support for the committee bill which is before the House this evening and will be voted on tomorrow.

ATTORNEY GENERAL,
STATE OF CONNECTICUT,
Hartford, CT, July 19, 2007.

Hon. JOSEPH D. COURTNEY,
U.S. Congressman,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: I am writing to support H.R. 986, the Eightmile Wild and Scenic River Act, which designates certain areas of the Eightmile River in Lyme, Salem and East Haddam as part of the National Wild and Scenic Rivers System. This river is a great asset to the people of Connecticut, and such designation will enhance efforts to preserve and protect its beauty and environmental integrity.

The proposal also protects the property rights of land owners within the designated areas from federal eminent domain takings by expressly stating that the Secretary of the Interior's authority to acquire property

in this area ''shall be limited to acquisition by donation or acquisition with the consent of the owner thereof . . .'' Section 2(g).

The Secretary's general statutory authority under the Wild and Scenic Rivers Act to acquire land is already severely circumscribed. The Act flatly prohibits use of eminent domain if the lands are subject to local zoning laws that conform to proposes of the Act. According to the Interior Department, there have been no condemnations under this Act in the past 30 years. Nevertheless, H.R. 986 goes even further by prohibiting the use of eminent domain by the Secretary under any circumstance.

I commend your leadership on this critical legislation.

Very truly yours,

RICHARD BLUMENTHAL.

LYME, CT,
July 11, 2007.

CONGRESSMAN JOE COURTNEY,
Norwich, CT.

DEAR CONGRESSMAN COURTNEY: I am writing to reaffirm my longstanding support for legislation to secure federal ''wild and scenic'' designation for the Eight Mile River. The towns of Lyme, East Haddam and Salem have invested considerable time and effort to protect this vital asset common to our communities.

Approval of your bill is key to insuring the integrity of the stream as well as safeguarding the rural character and quality of life in Lyme, I cannot stress its importance to our respective communities strongly enough.

Thank you for your efforts on our behalf.

Best Regards,

RALPH ELIO,
First Selectman.

JULY 9, 2007.

Hon. JOSEPH COURTNEY,
Canon House Office Building,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: As First Selectman for the Town of Salem I would like to reiterate Salem's strong commitment to protecting and preserving the Eight Mile River and the surrounding watershed. Resources such as this are critically important in the health and well being of all residents in this part of Southeastern Connecticut, and need to be recognized for their intrinsic value.

Federal designation as a Wild and Scenic River is an important part of preserving this natural resource. The Town of Salem is pleased that you have chosen to sponsor this effort and guide it through the legislative process. Thank you, and if we can be of any additional assistance in support of your efforts please do not hesitate to contact us.

Sincerely,

R. LARRY REITZ,
First Selectman.

SELECTMEN'S OFFICE,
TOWN OFFICE BUILDING,
East Haddam, CT, July 6, 2007.

Hon. JOSEPH COURTNEY,
Congressman, Second District,
Norwich, CT.

DEAR CONGRESSMAN COURTNEY: Thank you for your time and effort in this important matter. I am writing to reassure you that the citizens and elected officials of East Haddam are overwhelmingly in favor of Wild & Scenic designation.

Over ten years ago my predecessor, along with the First Selectmen from Lyme and Salem signed the Eightmile River Watershed Conservation Compact. That inter-municipal agreement represented East Haddam's commitment to a regional project that our town has participated in and endorsed widely. The Compact states: ''We understand that 1) land use in our towns is the key determinant to the health of the Watershed's natural resources; 2) a healthy watershed ecosystem is consistent with our town goals of promoting a healthy community, preserving rural character, and nurturing suitable economic growth.''

This broad view of the Eightmile River Watershed including its rural character, economic well being and intact natural resources has led to a heightened awareness and concern for this fragile system by a broad spectrum of town residents. Over the 12 years of East Haddam's participation in the Eightmile work, I have heard of only a small number of individuals who oppose the project. We have overwhelming support from the business community and private citizens alike. In fact, our river front landowners are some of the strongest advocates—they deeply understand the risks that unchecked development and sprawl will have on the river in their own back yards. The town has also taken measures to protect much of the open space in the watershed area.

Thanks again for your time and attention to our pristine Eightmile Watershed.

Sincerely,

BRAD PARKER,
First Selectman.

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS,
Hartford, CT, July 11, 2007.

Congresswoman NANCY PELOSI,
Speaker of the House of Representatives,
Congressman STENY HOYER,
House Majority Leader,
Congressman JOHN BOEHNER,
House Minority Leader,
Congressman ROY BLUNT,
House Minority Whip.

DEAR SPEAKER PELOSI AND CONGRESSMEN HOYER, BOEHNER AND BLUNT: I am writing to express my support for HR 986, which will designate certain sections of the Eightmile River in southeastern Connecticut for inclusion in the National Park Service's Wild and Scenic River System. Including parts of this exceptional natural and cultural resource within this program will help ensure that it receives the protections that it deserves.

I understand that this legislation also will protect property owners from having their lands taken by condemnation without the consent of the property owner. As you may know, this has become an important issue in Connecticut in the wake of the U.S. Supreme Court's Keto decision, and I am pleased that HR 986 will respect the rights of property owners.

Thank you for your efforts to help preserve this river, its tributaries and watershed.

Very truly yours,

M. JODI RELL,
Governor.

As Mr. GRIJALVA has indicated, this effort has been 10 years in the making. It has been a grass-roots effort. There have been meetings of planning and zoning commission, inland wetland commission, town meetings in the district. The idea of trying to protect this gem, this beautiful river in one of the most densely populated parts of the country, is something that people in these towns have come together on a bipartisan basis, Republican and Democrat, property owners and public officials, and have embraced the idea of the Wild and Scenic Act designation as a way of preserving this river with unique and special characteristics.

There are 168 rivers in this country protected by the Wild and Scenic law and program that has been in place for over 30 years. Now, maybe we are just not getting news in our part of the country, but we have not read of any wave or epidemic of condemnation or eminent domain that is taking place across this country as a result of this legislation. It is not about ownership by the government. What it is about is preserving water quality and preserving species and vegetation flora and fauna that have been identified by the National Park Service through a very strict system of screening to qualify for the status. And what it does is it triggers support and grants so that the characteristics that have been identified will continue to be conserved and preserved into the future.

In 2001 this Congress approved the report authorization for a study to be done of this river again on a bipartisan basis. And in every one of the areas and categories that the National Park Service examines to determine whether or not a river qualifies, Eightmile River passed with flying colors.

The legislation, which was drafted by nonpartisan staff, is based exactly verbatim on Wild and Scenic Act designations that have occurred as recently as the 109th Congress. The gentleman from Utah said that he was surprised that local zoning was being referenced in Federal statutes. Well, he shouldn't be surprised, because the last Congress when they approved a river in the State of New Jersey used exactly the same language. And as Mr. GRIJALVA has indicated, that was also the case with the Farmington River Wild and Scenic Act designation 10 years ago, again, referencing local zoning provisions that triggered the anticondemnation plan and program which the National Park Service has incorporated into the underlying act, into the underlying law that governs the National Wild and Scenic Act provisions.

But let's cut to the chase here. What are the zoning ordinances that we are talking about in these three communities of East Haddam, Salem, and Lyme? They are in fact wetland review requirements for property owners who border the body of water, the river. In the town of Lyme there is a 100-foot setback where you need to get a permit to build, 75 feet in Salem, and 75 feet in East Haddam.

Now, let's be clear here. These wetland requirements existed before, and I want to say that again, before the Eightmile River Project was ever contemplated. These were not the result of the threat of condemnation or the threat of eminent domain. These are zoning ordinances in wetland protection provisions that these towns had adopted long before this project was ever contemplated, and never has there ever been any indication that those wetland review requirements, which again are frankly commonplace throughout Connecticut. I was a town attorney of the community that I come

from, and again you have got to get a permit if you are building in a wetland. You can build in a wetland if the wetland commission gives you permission. But if you disturb wetlands or disturb a body of water, you have to mitigate for it. That is basic land use law, certainly in the State of Connecticut and I imagine in many, many other parts of the country.

So when the National Park Service looked at this application and saw what inland wetland protections these towns had already adopted, they clearly indicated that it triggers the anticondemnation provisions of the Wild and Scenic Act. And as Mr. GRIJALVA has stated, the acquisition of lands provision of this statute clearly states that the Federal acquisitions are prohibited and that the provisions of the Wild and Scenic Act that prohibit Federal acquisition of lands by condemnation shall apply to this project, to this request.

Now, again, we had some discussion at the public hearing, and I apologize if I in my exuberance overstated the support that existed in the area. What I guess I meant to say is that the Land Use Commission all came together in support of it. But I know New England town meetings; I have been through enough of them as a town attorney to know that unanimity is hard to find almost on any agenda item that comes before it.

But the fact of the matter is that we used statutory language which has verbatim been used in other Wild and Scenic Act designations, drafted by nonpartisan staff. I think Mr. GRIJALVA bent over backwards to try to accommodate the concerns when there was a debate at the time the committee reported the bill out.

□ 2330

And again, I emphasize the fact that this anticondemnation provision would be incorporated into the very statute, it wasn't just simply relying on National Park Service's representations, and brought the bill to the floor on the suspension calendar thinking that that really was the end of the debate over that issue. Well, obviously it wasn't. It was requested, a rollcall vote, and although 18 Republicans did support us at the time the vote was taken, it was not sufficient to hit the two-thirds number.

Now, press releases went out to local newspapers in Connecticut breathlessly exclaiming that JOE COURTNEY was out there trying to push a bill that was going to create eminent domain or condemnation in the area, and I've got to tell you, it was greeted by ridicule and guffaws in Connecticut.

The Hartford Current, there's a clip here that we're presenting, dismissed the concerns as just simply none of it was true. The New London Day, the paper of record in the community of New London, which was, again, where the Kelo case was located, wrote an editorial after reviewing the claim that somehow this bill was going to create eminent domain in the Eightmile River region completely dismissed it out of hand. And both newspapers called on Congress to get serious and to act swiftly and to make sure that the 10 years of hard bipartisan work that has gone on in these communities is completed by passage of this legislation, just like we did in the 109th Congress for a New Jersey river, using verbatim, the same language incorporating local zoning as the trigger for anticondemnation provisions by the National Park Service. And that's exactly what we've done with this legislation, and we are asking no more and no less than what Congress has done in numerous instances where wild and scenic act designation took place.

This is a beautiful, beautiful part of Connecticut. I invite anyone to come up there. When the river's running high, you can kayak on the Eightmile River, fly fishing during the summer. In the winter, take a walk in the woods like Robert Frost described. It is spectacular and amazing, given, again, the fact that we live in such a densely populated part of the country.

Mr. PEARCE. Would the gentleman yield?

Mr. COURTNEY. Sure. I'd be happy to yield.

Mr. PEARCE. The gentleman understands, I mean, it is a very straightforward, transparent thing that we're suggesting. What was offensive about this particular amendment that simply says no Federal funds may be used to condemn, and it just gets really clear, because again, those of us in the West, maybe we're overly sensitive, but so much land has been taken from us that it is, it is a point at which we begin to resist. Why wasn't that amendment simply agreed to?

Mr. COURTNEY. Well, again, I don't sit on the Resources Committee, on the day that this was deliberated on, but, I think clearly, and I don't want to put words in the Chairman's mouth, and he can probably answer this when maybe the microphone goes back to him, but my understanding is that basically they wanted to follow the basic statutory format that has worked in all the other designations that this Congress has taken up in the past, and where really honestly there has not been a problem of condemnation or eminent domain of the property owners. But that's the best of my knowledge.

Mr. PEARCE. I appreciate the gentleman's comments. And if he would yield further, just point out that, again, we have had so many people come and testify about the Appalachian Trail that came through there, and I wouldn't call it systematic, but enough to where we began to feel, I began to feel uncomfortable with a too-strong National Park Service that was very energized about just getting this little parcel here, and it would make things fit so well that they began to really use their power in a way that was distressing. And that's, again, it's a very simply straightforward, transparent piece that is the problem.

We've got some magnificent vistas out West that might not equal what you're talking about, but we share our love for those things, and it's unfortunate that this bill is kind of the focal point for this particular dispute. But again, it's certainly nothing to do with the gentleman's underlying assumption or his belief that this river is worth protecting, but is instead one that we're expressing our concern as cleanly as we can that a government can be too strong and too large and too heavy-handed. And we worry about that.

But I thank the gentleman for yielding.

Mr. COURTNEY. And in conclusion, again, I'd be happy to submit an excerpt from the Eightmile River Watershed management plan, which again confirms what the zoning and wetland regulations, which ones were examined by the National Park Service and by the committee, again, the 75-foot and the 100-foot setback for wetland permits, which, again, were satisfactory in terms of triggering the anticondemnation provisions of the wild and scenic act, which, again, I think have worked without a hitch based on any data and information, facts or law that the committee staff and the committee leadership has examined.

In conclusion, I just want to thank, again, the leadership of the committee for the work that they've done on this legislation. I hope maybe this colloquy has reassured people that this is not a plan which is about trying to ram through government authority to take people's property rights away. It has been fashioned and designed in a way that accommodates people's input and participation with, again, property owners in strong support of it. Their names were submitted to the committee during the committee process. And again, I want to thank Mr. GRIJALVA for his leadership on this issue.

ADEQUACY OF PROTECTION

An important component of the management plan development process was determining the adequacy of existing protection mechanisms to protect and enhance the watershed's outstanding resource values. Determining adequacy achieves objectives:

(1) Proving that local communities meet the requirements of Section 6(c) of the Wild & Scenic Rivers Act.

Section 6(c) of the Wild & Scenic Rivers Act states:

"(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act and (8) the protection af the bank lands by means of acreage, frontage, and setback requirements on development."

Local, state and federal regulations, combined with protected lands and physical constraints to development (i.e. floodplains, wetlands, topography, etc.) create enough of an existing protection scheme to make federal condemnation of lands unreasonable and unnecessary. While no new actions are deemed required by the towns to meet the requirements of Section 6(c), the management recommendations in Section VI are considered critical to the overall long-term quality of the watershed's outstanding resource values.

At the local and state level, a number of key actions underscore the current level of protection and the dedication to river and watershed conservation:

Local upland review areas are in place in all three communities. These are the areas within 100 feet of wetlands and watercourses in East Haddam and Lyme, and 75 feet in Salem. Municipal Inland Wetland and Watercourse Commissions can regulate activities in upland review areas that would likely impact wetland or watercourse function. Reviews in upland areas may include assessing and regulating impacts from a proposed activity on hydrologic, water quality and ecological functions.

All three towns have adopted net buildable area requirements in their subdivision regulations recognizing new construction should be compatible with the carrying capacity of the land to sustain it. In addition, Salem requires 75% of the net buildable area be outside of the upland review area, and Lyme requires all of the net buildable area be at least 100 feet back from wetlands and watercourses.

Local communities, working in partnership with local land trusts, the state and The Nature Conservancy, have directly preserved 28% of the watershed (over 11,000 acres of land), and 25% of all river frontage within 100 feet of the 160 miles of river and stream in the watershed.

Mr. BISHOP of Utah. If I could ask the gentleman from Arizona how many more speakers you have.

Mr. GRIJALVA. We have no additional speakers.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of my time.

As I said before, there are some significant issues that always take place on these particular types of bills. Indeed, there is no basic statutory structure for wild and scenic bills. They've gone all over the place, including the now infamous one in New Jersey, which I think was actually the last bill to go through during the last session.

These are the issues that we've talked about before which can, indeed, take place under wild and scenic areas where people do not have the right to fix their roof, do not have the right to expand their garage, do not have the right to clear areas on their own property. It is not just a possibility; it is actually a probability. There is precedent for all of those.

But once again, this isn't this key issue. We are willing to have 8 miles of scenic river in Connecticut. The key issue is defending those people in Connecticut and establishing a precedent that is significant the rest of the way.

It's not simply a matter of reading the bill; it's a matter of reading the law. The language of zoning requirement, which once again is a conditional one. You mentioned the Attorney General from the State of Connecticut wrote a letter and once again he said the act flatly prohibits use of eminent domain if, and once again that's the conditional language, if the lands are subject to local zoning laws that conform to the purposes of the act. And once again the date that these zoning laws should have been in effect, the zoning ordinances have already been changed from that particular date.

But the key element is that that zoning language, that willing seller language, is inserted into the existing bill and it comes directly after this sentence, and the sentence is very clear. Nothing contained in this section, which is everything we've been talking about in this bill, nothing contained in this section however, shall preclude the use of condemnation. Nothing that you add as far as zoning ordinances or willing sellers precludes the right the Secretary of Interior has in the rest of the bill and the rest of the section from condemnation, unless you simply adopt the Republican language, and that is why we hit over and over and over again on this issue.

It is important that we stand up for property rights and personal property. It's important that people have some sense of security and safety in their own homes. And this bill doesn't take away this provision of the act which says, nothing contained in this section shall preclude the use of condemnation. That is to which we object. That is the problem with this bill. That is what must change.

The Republican option was clear, simple and to the point. The Democrat option, whatever the motive was, is somewhat double-talk. It's a loophole. This language that we propose is very similar to what this body adopted by a voice vote with the Department of Interior appropriations bill.

And in conclusion, Madam Speaker, I'm actually sad that we had this bill before us at all. There is no reason this bill should be before us with a closed rule. I wish that the Democrats had moved in a bipartisan way to work with us to meet what are legitimate concerns. And if, indeed, protection of private property is a partisan issue, I'm more than happy to be on the side of private property. That's the right side to be on in this issue. This bill may indeed sometime become a metaphor for this entire section where we can see how much muscle can be flexed to push through issues rather than sitting down and trying to solve problems.

I truly hope that in the future we can work in a bipartisan way, that we can actually talk together to find language that is mutually acceptable to both sides of the aisle for these issues, because there's no reason that we should actually have to go through a closed rule on this type of a bill.

But the issue is simply black and white or yellow and black, I guess. Will you actually ensure, by taking the money away, there is no condemnation, or do you leave the language in the act? It's clear. It's understandable. It should be clear to our colleagues. It will be clear to our constituents and our voters.

Madam Speaker, I yield back the balance of my time, with the exception of 2 minutes, which I reserve for tomorrow.

The SPEAKER pro tempore. The gentleman's time has expired. There are 2 minutes remaining.

Mr. GRIJALVA. Madam Speaker, I thank my good friend from Utah, the ranking member.

Just in closing, let me say that the Appalachian Trail that was referenced by the gentleman from New Mexico has, in the legislation, condemnation as part of it. This particular bill does not. And there is separate language, aside from the section that my good friend from Utah presented today, that adds an additional prohibition and a protection for the acquisition of private property in this legislation.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 986, the Eightmile Wild and Scenic River Act, which would add the Eightmile River to the Wild and Scenic Rivers System.

This legislation has overwhelming bipartisan support from the National Park Service, the bipartisan Connecticut House delegation, the Republican Governor of Connecticut, the Attorney General of Connecticut, the three local mayors, and the State legislature, which passed a resolution in support of Wild and Scenic designation.

Concerns have been raised that H.R. 986, the Eightmile Wild and Scenic River Act, would allow land condemnations within the Eightmile River corridor. This is not the case. The bill prohibits eminent domain, condemnation or any takings.

H.R. 986 also explicitly states: "The authority of the Secretary to acquire lands for the purposes of this Act shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan." This prohibits condemnations regardless of how local zoning laws apply.

The Eightmile River is a worthy addition to the Wild and Scenic Rivers System. I strongly urge passage of H.R. 986.

Mr. GRIJALVA. Madam Speaker, I yield back all but 2 minutes and reserve the 2 minutes until tomorrow.

The SPEAKER pro tempore. The gentleman's time has expired. There are 2 minutes remaining.

Pursuant to section 2 of House Resolution 580, further proceedings on the bill will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. SHEA-PORTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE ''HORN IN THE WEST'' HISTORICAL DRAMA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor ''Horn in the West,'' which this year is in its 56th consecutive season and is the third oldest outdoor drama in the United States. ''Horn in the West'' is also the oldest Revolutionary War drama in the Nation. It brings theatre-goers into the life and times of that legendary frontiersman Daniel Boone.

Located in Boone, North Carolina, ''Horn in the West'' outdoor drama captured the heart of this great struggle for freedom that was fought by mountain settlers in Appalachia during the Revolutionary War. In its 56 years of existence, the show has wowed more than 1.4 million people with its storytelling ingenuity and historical acumen. To this day it is not only entertaining thousands each year; it is also preserving a valuable story drawn from our Nation's early formative years.

''Horn in the West'' was written by Dr. Kermit Hunter, an accomplished author and playwright who wrote more than 40 other historical productions. Dr. Hunter, who passed away in 2001, was a dedicated spokesman for the genre of the outdoor drama. His drama highlights the early freedom-seeking settlers who migrated to the Blue Ridge Mountains in an attempt to escape from the tyranny of British rule.

The story of ''Horn in the West'' is told through the lens of Dr. Geoffrey Stuart, who came to the Blue Ridge with his family to study smallpox. A freedom lover himself, Stuart joined the band of colonists in opposition to the British. ''Horn in the West'' ushers the audience into a great moment in the lead-up to the Revolutionary War when this group of patriots suffers defeat and capture at the hands of the British in 1771 at the Battle of Alamance.

Dr. Stuart, a model of the American spirit to forge ahead in the face of opposition, must rescue his son who is one of those captured by the British. The story weaves its way through Stuart's life, his important intervention with the Cherokee tribe, and his partnership with Daniel Boone. ''Horn in the West'' is the story of a man and a Nation coming to terms with the meaning of liberty and independence in a tumultuous time.

I am proud to commend the people at ''Horn in the West'' for their steadfast commitment to bringing this important time and place to life for audiences in the town of Boone every year. They embody the ideals of America that this production encompasses: a love of freedom, a strong belief in the common man, and a dedication to what is right even in the face of uncertain odds.

The cast and supporting staff and board are dedicated to ''Horn'' and are doing a great job with very limited resources.

The Daniel Boone Theatre that houses the outdoor production of ''Horn in the West'' is a magnificent setting for this historical play. When it was first reviewed, the critics raved that the theatrical setting was ''one of the most beautiful, if not the most beautiful, in America'' and that ''the theatre alone is worth the price of admission.''

The Daniel Boone Theatre merits such praise. It is a masterful blend of architecture and landscape. Designed by the NC State School of Design and built in 1952, it deserves its title as the best outdoor theatre in the east. It sits on 35 acres of Blue Ridge Mountain terrain and was designed specifically with ''Horn in the West'' in mind. The theatre blends into the mountains with its careful use of native stone and landscaping. The theatre's designers took great pains to integrate existing vegetation into the landscape so that today enormous rhododendron which were moved up the hill create a natural screen between the theater and the parking lot.

The ''Horn in the West'' production and the Daniel Boone Theatre are priceless pieces of North Carolina and American history. They preserve something of our past that in today's era of sound bite and image-obsessed is desperately needed. They remind us of our roots in a liberty-loving and free people who would give everything they held dear for the cause of freedom.

My hope is that ''Horn in the West'' continues to dazzle audiences with its depiction of our shared history. It is a valuable part of our history and culture, and I wish it many more decades of successful production.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

(Mr. JEFFERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

50TH ANNIVERSARY OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

Mr. CONYERS. Madam Speaker, I rise today to recognize and congratulate the Southern Christian Leadership Conference, SCLC, as it celebrates 50 years of promoting non-violent action as a means to achieve social, economic, and political justice. The opportunity to serve as the first African-American Chairman of the House Judiciary Committee is a tribute to the efforts of the SCLC to promote equal opportunity and equal justice.

Without the courage and sacrifice of members of the SCLC, namely its first President, Dr. Martin Luther King, Jr., and those Presidents that followed—Ralph Abernathy, Joseph Lowery, and Martin Luther King III, we simply would not be where we are today. And while we have much work to do, we are living the legacy of the Southern Christian Leadership Conference everyday.

This August will be the 50th anniversary of the Southern Christian Leadership Conference. The SCLC traces its roots to the Montgomery Bus Boycott of 1955, which began with the quiet yet courageous efforts of one woman: Rosa Parks. I had the privilege of working with Rosa Parks for over 20 years when she agreed to join my staff after I was elected to Congress in 1964. The Montgomery Bus Boycott brought together two local ministers, Dr. Martin Luther King, Jr., and Ralph Abernathy, who established the Montgomery Improvement Association to lead the boycott efforts. As the movement to desegregate public transportation spread beyond Montgomery County into surrounding States, it was clear that the organization needed to expand, both in size and in scope.

Following the success of the Montgomery Bus Boycott, a group of 60 organizers from 10 States met in Atlanta, Georgia to plan the next steps. The result was the founding of the Southern Leadership Conference on Transportation and Nonviolent Integration. The organization's title was shortened to its current name, the Southern Christian Leadership Conference during its first convention, held in Montgomery in August 1957. Next week, the SCLC will be hosting its 49th annual convention in Atlanta, GA.

Leading the efforts of the SCLC to end segregation was Dr. Martin Luther King, Jr., a man I am honored to have been able to call a friend and confidant. In fact, it was Dr. King that endorsed me for Congress when I first ran and was elected to serve in 1964. Significantly, Dr. King personally awarded me with the Southern Christian Leadership Conference

Award in 1967. Having walked alongside Dr. King, a fearless leader who challenged continued racial segregation and believed that "oppressed people cannot remain oppressed forever," I am committed to continuing the legacy of Dr. King and the SCLC.

Under the helm of President Joseph Lowery for much of its existence—from 1977 until 1997, the SCLC advanced Dr. King's dream for an America—a society united behind the banner of equality and freedom. Today, the SCLC remains strong under the leadership of Dr. Charles Steele, Jr., promoting a number of programs in the areas of economic empowerment, health advocacy, education, and criminal justice. The SCLC has also established the Martin Luther King, Jr., Conflict Resolution Center, an international initiative to promote Dr. King's principle of nonviolence as a means to resolving conflicts throughout the world.

We've come a long ways over the last 50 years, and the work of the SCLC continues to be of critical importance. It is to the credit of Dr. King and other leaders of the SCLC that today the torch of the civil rights movement is carried by many hands. One of those hands is Dr. King's son, Martin III, who headed the SCLC from 1997 until 2003 and remains committed to the organization's vision. So following the lead of Martin III, Joseph Lowery, Ralph Abernathy, and of course Dr. King, let us continue the work and legacy of the Southern Christian Leadership Conference on its 50th anniversary.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

(Ms. KILPATRICK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

(Mr. LEWIS of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

(Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

(Mr. BUTTERFIELD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

(Mr. AL GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

(Mr. COHEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

(Mr. PAYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

(Mr. SCOTT of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROTHMAN) is recognized for 5 minutes.

(Mr. ROTHMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 5 minutes.

(Mr. COURTNEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SCHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for half the time until midnight as the designee of the minority leader.

Mr. BURGESS. Madam Speaker, I come to the floor tonight for what was to be the leadership hour, but the hour has gotten so late that this will really only be a few minutes of discussion on the reauthorization of the State Children's Health Insurance Program, the program known as SCHIP.

This program was introduced 10 years ago by a Republican House of Representatives. It was a bipartisan plan to help low-income children to have health care coverage. This program was to be reauthorized in 10 years' time. That 10 years is up on September 30, 2 months from tonight.

We all agree, on both sides of the aisle, that we want to make sure children of low-income families have the health care coverage that they need. But, Madam Speaker, we are also anxious to be certain that we don't do so at the expense of senior citizens on Medicare. We would like to make sure we don't raise taxes to do this. And a lot of us are concerned about permanently expanding yet another entitlement program. Anyone who reads the newspaper today knows that we already have trouble with the entitlement programs that are already there.

The problems with the bill that has been introduced by the Democrats that we had read in our committee last week: the Democratic bill reauthorizes the SCHIP program as a permanent entitlement, $159 billion over 10 years. One of the biggest problems is there is no income limit for SCHIP eligibility. Current SCHIP guidelines are for families at or below 200 percent of the Federal poverty limit. Some States go higher than that. But, Madam Speaker, look what happens when you go to these higher levels:

The current authorization, again, is for 200 percent of the Federal poverty

limit; 50 percent of those children actually already are covered under a private insurance or Medicaid. As you go to successively higher income limits, between 300 and 400 percent of poverty, nearly nine out of ten children are already covered on a private insurance plan or Medicaid. The SCHIP program, by expanding it to these levels, will crowd these individuals out of private insurance and drive them onto government-subsidized health care. I would ask you if that is the best expenditure of our Federal health care dollar.

The open-ended Federal funding in the program proposed by the Democrats allows States to go over their budget. It shifts children participating in private insurance to government insurance. A child is now defined as an individual up to 25 years of age, and, once again, adults are covered under this plan, which really has been one of the failings of the previous SCHIP authorization.

A big problem is cutting Medicare Advantage plans by $157 billion, denying seniors access to plans that have enjoyed widespread popularity in areas where they have been introduced. It cuts Medicare provider payments, reduces inpatient hospital payments, cuts skilled nursing facilities and home health care, and reduces payments for imaging and oxygen or mobility devices.

It does increase taxes. It creates an entirely new tax, one that has yet to be scored by the Congressional Budget Office on all private health insurance plans, an assessment, if you will, on private health insurance plans. It increases taxpayer liability for immigrants and illegal aliens. It eliminates the 5-year waiting period for people who are in this country legally to participate in Medicaid and CHIP. Wisely, a moratorium for 5 years was placed on SCHIP and Medicaid so that people would not seek to come to this country simply to participate in the welfare state but would come because they wanted to be good citizens and be workers and produce in this country. More pernicious, in my opinion, is allowing illegal aliens to receive Medicaid and SCHIP by weakening citizen verification standards.

A net cost of $76 billion over 10 years certainly flies in the face of fiscal responsibility. And, more importantly, it repeals the trigger that was put in the Medicare Modernization Act 3 years ago that would require the President and the Congress to reaffirm if Medicare expenditures went above a certain amendment.

Madam Speaker, there is a right way to do this, and I don't want to get too bogged down in process because the time available to me is very short, but recently we underwent an FDA reauthorization bill in my committee, the Committee on Energy and Commerce. It went through subcommittee. It went through full committee. And at the end of the day, we had a bill that was much better than the bill that was originally delivered to us, the committee print of the bill.

We weren't allowed to do that on the SCHIP bill. The subcommittee legislative markup was completely eliminated. We just bypassed it. We didn't even do it. The committee print was dropped on the minority members of the committee some 24 hours before we had the legislative markup in full committee. There was no time to evaluate this nearly 500-page bill that had many, many new provisions in it. And as a consequence, many of those on my side of the aisle felt it was inappropriate to deal with such a large transformational piece of legislation in such a short time interval.

Now, it is important to note that there is a Republican alternative out there. It is called the Barton-Deal SCHIP reauthorization, and I think this is a balanced approach to actually getting back to the original intent of what the State Children's Health Insurance Program was, in fact, to be: a program for low-income children. The original intent was to cover those children whose parents made too much for them to be covered under Medicaid, but not enough to be on private health insurance. That gap between 150 percent of poverty and 200 percent of poverty was identified as the level at which SCHIP benefits really would have the maximum impact.

And in the Barton-Deal reauthorization legislation, it allows States to continue that program, but after a State covers at least 90 percent of the children that should be covered, they can then expand that coverage up to 250 percent of the Federal poverty level. The Federal poverty level for a family of four would be about $41,000 per year at the 200 percent of poverty. At 250 percent of poverty, it is about $51,000 or $52,000 a year for a family of four.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BURGESS. Madam Speaker, I ask is there anyone to claim time?

The SPEAKER pro tempore. There being no Democrats here, the gentleman from Texas is recognized for the remaining time until midnight.

Mr. BURGESS. Madam Speaker, under the Barton-Deal plan, new enrollees would be strictly limited to services provided to children and pregnant women with household incomes under 200 percent of the Federal poverty level. And, again, when those States can demonstrate that they are covering the 90 percent of the kids in the bracket, then they could expand to the 250 percent of poverty level.

Under the Barton-Deal plan, it does require citizenship to be verified. Many people in my district, certainly many people across the country, feel very strongly about this position, and I have heard from constituents even just this morning in a community coffee in a small town in north Texas. This was something that people were very vocal about it.

Once again, we need to reaffirm that the SCHIP program was designed for children who were in need, not for children who had access to health care coverage by other means. The Barton-Deal plan does allow for some individual choice in health care and really, once again, reaffirms that the ''C'' in SCHIP stands for children. And, indeed, that is as it should be.

I also want to draw Members' attention to the fact that in the Democratic bill they do attempt to deal with the physician payment cuts that many doctors are going to see. The way they have gone about this, though, I believe is a flawed process. A much better process is one that has been put forth in H.R. 2585, which would actually be a repeal of what is called the SGR formula. That is the thing that has been bedeviling physicians for years and years, certainly since I first came to Congress. This is good legislation that should be looked at. If a Member is concerned about being able to provide or postpone or eliminate those provider cuts that are going to happen to physicians in future years, I don't think the SCHIP bill gets you there. I don't think it takes you far enough to where you want to be. Indeed, there are exclusions for 2008 and 2009, but what happens after 2010? You basically fall off a cliff again. And that is the problem we have had year in and year out with doing these 1- or 2-year fixes on physician reimbursement. H.R. 2585 is a much more sensible way to go about this because it actually puts you on a trajectory for repeal of the SGR and getting out from underneath the tyranny of that SGR formula once and for all.

And, again, one of the other final things I would mention is that there is nothing in this SCHIP bill that makes any impact on one of the fundamental problems we have in the practice of medicine today, and that is dealing with the liability crisis that we have had in this country and that we still have in this country. My home State of Texas has made significant strides towards sensible, commonsense liability reform. I was hoping we could see language incorporated via the amendment process in the SCHIP reauthorization, but apparently that is not to be, either.

Madam Speaker, I know it has been a long day on the floor of the House. I appreciate the indulgence of the Chair in allowing me the extra time.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JULY 26, 2007 AT PAGE H8701

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part A of House Report 110–261, is adopted. The bill, as amended, shall be considered as

an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill is as follows:

H.R. 2419

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Farm, Nutrition, and Bioenergy Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—COMMODITY PROGRAMS

Sec. 1001. Definitions.

Subtitle A—Direct Payments and Counter-Cyclical Payments

Sec. 1101. Adjustments to base acres.
Sec. 1102. Availability of direct payments.
Sec. 1103. Availability of counter-cyclical payments.
Sec. 1104. Availability of revenue-based counter-cyclical payments.
Sec. 1105. Producer agreement required as condition of provision of direct payments and counter-cyclical payments.
Sec. 1106. Planting flexibility.
Sec. 1107. Period of effectiveness.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Term of loans.
Sec. 1204. Repayment of loans.
Sec. 1205. Loan deficiency payments.
Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 1207. Special marketing loan provisions for upland cotton.
Sec. 1208. Special competitive provisions for extra long staple cotton.
Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
Sec. 1210. Deadline for repayment of marketing assistance loan for peanuts.
Sec. 1211. Commodity quality incentive payments for healthy oilseeds.

Subtitle C—Sugar

Sec. 1301. Sugar program.
Sec. 1302. United States membership in the international sugar organization.
Sec. 1303. Flexible marketing allotments for sugar.

Subtitle D—Dairy-Related Provisions

Sec. 1401. Dairy product price support program.
Sec. 1402. Dairy forward pricing program.
Sec. 1403. Dairy export incentive program.
Sec. 1404. Revision of Federal marketing order amendment procedures.
Sec. 1405. Dairy indemnity program.
Sec. 1406. Extension of milk income loss contract program.
Sec. 1407. Dairy promotion and research program.
Sec. 1408. Report on Department of Agriculture reporting procedures for nonfat dry milk.
Sec. 1409. Federal Milk Marketing Order Review Commission.

Subtitle E—Administration

Sec. 1501. Administration generally.
Sec. 1502. Suspension of permanent price support authority.
Sec. 1503. Payment Limitations.
Sec. 1504. Adjusted gross income limitation.
Sec. 1505. Adjustments of loans.
Sec. 1506. Personal liability of producers for deficiencies.
Sec. 1507. Extension of existing administrative authority regarding loans.
Sec. 1508. Assignment of payments.
Sec. 1509. Tracking of benefits.
Sec. 1510. Upland cotton storage payments.
Sec. 1511. Government publication of cotton price forecasts.

TITLE II—CONSERVATION

Subtitle A—Conservation Programs of the Food Security Act of 1985

Sec. 2101. Conservation reserve program.
Sec. 2102. Wetlands reserve program.
Sec. 2103. Conservation security program.
Sec. 2104. Grassland reserve program.
Sec. 2105. Environmental quality incentives program.
Sec. 2106. Regional water enhancement program.
Sec. 2107. Grassroots source water protection program.
Sec. 2108. Conservation of private grazing land.
Sec. 2109. Great Lakes basin program for soil erosion and sediment control.
Sec. 2110. Farm and ranchland protection program.
Sec. 2111. Farm viability program.
Sec. 2112. Wildlife habitat incentive program.

Subtitle B—Conservation Programs Under Other Laws

Sec. 2201. Agricultural management assistance program.
Sec. 2202. Resource Conservation and Development Program.
Sec. 2203. Small watershed rehabilitation program.

Subtitle C—Additional Conservation Programs

Sec. 2301. Chesapeake Bay program for nutrient reduction and sediment control.
Sec. 2302. Voluntary public access and habitat incentive program.

Subtitle D—Administration and Funding

Sec. 2401. Funding of conservation programs under Food Security Act of 1985.
Sec. 2402. Improved provision of technical assistance under conservation programs.
Sec. 2403. Cooperative conservation partnership initiative.
Sec. 2404. Regional equity and flexibility.
Sec. 2405. Administrative requirements for conservation programs.
Sec. 2406. Annual report on participation by specialty crop producers in conservation programs.
Sec. 2407. Promotion of market-based approaches to conservation.
Sec. 2408. Establishment of State technical committees and their responsibilities.
Sec. 2409. Payment limitations.

Subtitle E—Miscellaneous Provisions

Sec. 2501. Inclusion of income from affiliated packing and handling operations as income derived from farming for application of adjusted gross income limitation on eligibility for conservation programs.
Sec. 2502. Encouragement of voluntary sustainability practices guidelines.
Sec. 2503. Farmland resource information.

TITLE III—TRADE

Sec. 3001. Agricultural Trade Development and Assistance Act of 1954.
Sec. 3002. Export credit guarantee program.
Sec. 3003. Market access program.
Sec. 3004. Food for Progress Act of 1985.
Sec. 3005. McGovern-Dole International Food for Education and Child Nutrition program.
Sec. 3006. Bill Emerson Humanitarian Trust.
Sec. 3007. Technical assistance for specialty crops.
Sec. 3008. Technical assistance for the resolution of trade disputes.
Sec. 3009. Representation by the United States at international standard-setting bodies.
Sec. 3010. Foreign market development cooperator program.
Sec. 3011. Emerging markets.
Sec. 3012. Export Enhancement Program.
Sec. 3013. Minimum level of nonemergency food assistance.
Sec. 3014. Germplasm conservation.

TITLE IV—NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

Sec. 4001. Renaming the food stamp program.
Sec. 4002. Definition of drug addiction or alcoholic treatment and rehabilitation program.
Sec. 4003. Nutrition education.
Sec. 4004. Food distribution on Indian reservations.
Sec. 4005. Deobligate food stamp coupons.
Sec. 4006. Allow for the accrual of benefits.
Sec. 4007. State option for telephonic signature.
Sec. 4008. Review of major changes in program design.
Sec. 4009. Grants for simple application and eligibility determination systems and improved access to benefits.
Sec. 4010. Civil money penalties and disqualification of retail food stores and wholesale food concerns.
Sec. 4011. Major systems failures.
Sec. 4012. Funding of employment and training programs.
Sec. 4013. Reductions in payments for administrative costs.
Sec. 4014. Cash payment pilot projects.
Sec. 4015. Findings of Congress regarding Secure Supplemental Nutrition Assistance program nutrition education.
Sec. 4016. Nutrition education and promotion initiative to address obesity.
Sec. 4017. Authorization of appropriations.
Sec. 4018. Consolidated block grants for Puerto Rico and American Samoa.
Sec. 4019. Study on comparable access to Secure Supplemental Nutrition Assistance Program benefits for Puerto Rico.
Sec. 4020. Reauthorization of community food project competitive grants.
Sec. 4021. Emergency food assistance.

Subtitle B—Commodity Distribution

Sec. 4201. Authorization of appropriations.
Sec. 4202. Distribution of surplus commodities; special nutrition projects.
Sec. 4203. Commodity distribution program.

Subtitle C—Child Nutrition and Related Programs

Sec. 4301. Purchase of fresh fruits and vegetables for distribution to schools and service institutions.
Sec. 4302. Buy American requirements.
Sec. 4303. Expansion of fresh fruit and vegetable program.
Sec. 4304. Purchases of locally produced foods.

Subtitle D—Miscellaneous

Sec. 4401. Seniors farmers' market nutrition program.
Sec. 4402. Congressional Hunger Center.
Sec. 4403. Joint nutrition monitoring and related research activities.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

Sec. 5001. Conservation loan guarantee program.
Sec. 5002. Limitations on amount of ownership loans.
Sec. 5003. Down payment loan program.
Sec. 5004. Beginning farmer and rancher contract land sales program.

Subtitle B—Operating Loans

Sec. 5011. Limitations on amount of operating loans.

Sec. 5012. Suspension of limitation on period for which borrowers are eligible for guaranteed assistance.

Subtitle C—Administrative Provisions

Sec. 5021. Inventory sales preferences.
Sec. 5022. Loan fund set-asides.
Sec. 5023. Transition to private commercial or other sources of credit.
Sec. 5024. Extension of the right of first refusal to reacquire homestead property to immediate family members of borrower-owner.
Sec. 5025. Rural development and farm loan program activities.

Subtitle D—Farm Credit

Sec. 5031. Agribusiness loan eligibility.
Sec. 5032. Loan-to-asset value requirements.
Sec. 5033. Population limit for single-family housing loans.
Sec. 5034. Bank for cooperatives voting stock.
Sec. 5035. Majority farmer control requirement.
Sec. 5036. Borrower stock requirement.
Sec. 5037. Rural utility loans.
Sec. 5038. Farm Credit System Insurance Corporation.
Sec. 5039. Risk-based capital levels.
Sec. 5040. Loans to purchasers of highly fractioned lands.

TITLE VI—RURAL DEVELOPMENT

Sec. 6001. Definition of rural.
Sec. 6002. Water, waste disposal, and wastewater facility grants.
Sec. 6003. Rural business opportunity grants.
Sec. 6004. Rural water and wastewater circuit rider program.
Sec. 6005. Tribal college and university essential community facilities.
Sec. 6006. Emergency and imminent community water assistance grant program.
Sec. 6007. Water systems for rural and native villages in Alaska.
Sec. 6008. Grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes.
Sec. 6009. Rural cooperative development grants.
Sec. 6010. Criteria to be applied in providing loans and loan guarantees under the business and industry loan program.
Sec. 6011. Appropriate technology transfer for rural areas program.
Sec. 6012. Grants to improve technical infrastructure and improve quality of rural health care facilities.
Sec. 6013. Rural entrepreneur and microenterprise assistance program.
Sec. 6014. Criteria to be applied in considering applications for rural development projects.
Sec. 6015. National sheep industry improvement center.
Sec. 6016. National rural development partnership.
Sec. 6017. Historic barn preservation.
Sec. 6018. Grants for NOAA weather radio transmitters.
Sec. 6019. Delta regional authority.
Sec. 6020. Northern great plains regional authority.
Sec. 6021. Rural strategic investment program.
Sec. 6022. Expansion of 911 access.
Sec. 6023. Access to broadband telecommunications services in rural areas.
Sec. 6024. Community connect grant program.
Sec. 6025. Agriculture innovation center demonstration program.
Sec. 6026. Rural firefighters and emergency medical service assistance program.
Sec. 6027. Value-added agricultural market development program.
Sec. 6028. Assistance for rural public television stations.
Sec. 6029. Telemedicine and distance learning services in rural areas.
Sec. 6030. Guarantees for bonds and notes issued for electrification or telephone purposes.
Sec. 6031. Comprehensive rural broadband strategy.
Sec. 6032. Study of railroad issues.

TITLE VII—RESEARCH

Subtitle A—General Provisions

Sec. 7101. Definitions.
Sec. 7102. Budget submission and funding.
Sec. 7103. Additional purposes of agricultural research and extension.
Sec. 7104. National agricultural research program office.
Sec. 7105. Establishment of competitive grant programs under the National Institute for Food and Agriculture.
Sec. 7106. Merging of IFAFS and NRI.
Sec. 7107. Capacity building grants for ASCARR institutions.
Sec. 7108. Establishment of research laboratories for animal diseases.
Sec. 7109. Grazinglands research laboratory.
Sec. 7110. Researcher training.
Sec. 7111. Fort Reno Science Park research facility.
Sec. 7112. Assessing the nutritional composition of beef products.
Sec. 7113. Sense of Congress regarding funding for human nutrition research.

Subtitle B—National Agricultural Research, Extension, and Teaching Policy Act of 1977

Sec. 7201. Advisory board.
Sec. 7202. Advisory board termination.
Sec. 7203. Renewable energy committee.
Sec. 7204. Specialty crop committee report.
Sec. 7205. Inclusion of UDC in grants and fellowships for food and agricultural sciences education.
Sec. 7206. Grants and fellowships for food and agricultural sciences education.
Sec. 7207. Grants for research on production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.
Sec. 7208. Policy research centers.
Sec. 7209. Human nutrition intervention and health promotion research program.
Sec. 7210. Pilot research program to combine medical and agricultural research.
Sec. 7211. Nutrition education program.
Sec. 7212. Continuing animal health and disease research programs.
Sec. 7213. Cooperation among eligible institutions.
Sec. 7214. Appropriations for research on national or regional problems.
Sec. 7215. Authorization level of extension at 1890 land-grant colleges.
Sec. 7216. Authorization level for agricultural research at 1890 land-grant colleges.
Sec. 7217. Grants to upgrade agriculture and food sciences facilities at the District of Columbia Land Grant University.
Sec. 7218. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.
Sec. 7219. National research and training virtual centers.
Sec. 7220. Matching funds requirement for research and extension activities of 1890 institutions.
Sec. 7221. Hispanic-serving institutions.
Sec. 7222. Hispanic-serving agricultural colleges and universities.
Sec. 7223. International agricultural research, extension, and education.
Sec. 7224. Competitive grants for international agricultural science and education programs.
Sec. 7225. Limitation on indirect costs for agricultural research, education, and extension programs.
Sec. 7226. Research equipment grants.
Sec. 7227. University research.
Sec. 7228. Extension service.
Sec. 7229. Supplemental and alternative crops.
Sec. 7230. Aquaculture research facilities.
Sec. 7231. Rangeland research.
Sec. 7232. Special authorization for biosecurity planning and response.
Sec. 7233. Resident instruction and distance education grants program for insular area institutions of higher education.

Subtitle C—Food, Agriculture, Conservation, and Trade Act of 1990

Sec. 7301. National genetics resources program.
Sec. 7302. National agricultural weather information system.
Sec. 7303. Partnerships.
Sec. 7304. Aflatoxin research and extension.
Sec. 7305. High-priority research and extension areas.
Sec. 7306. High-priority research and extension initiatives.
Sec. 7307. Nutrient management research and extension initiative.
Sec. 7308. Agricultural telecommunications program.
Sec. 7309. Assistive technology program for farmers with disabilities.
Sec. 7310. Organic research.
Sec. 7311. National rural information center clearinghouse.
Sec. 7312. New era rural technology program.

Subtitle D—Agricultural Research, Extension, and Education Reform Act of 1998

Sec. 7401. Partnerships for high-value agricultural product quality research.
Sec. 7402. Precision agriculture.
Sec. 7403. Biobased products.
Sec. 7404. Thomas Jefferson initiative for crop diversification.
Sec. 7405. Integrated research, education, and extension competitive grants program.
Sec. 7406. Fusarium graminearum grants.
Sec. 7407. Bovine Johne's disease control program.
Sec. 7408. Grants for youth organizations.
Sec. 7409. Agricultural biotechnology research and development for developing countries.
Sec. 7410. Agricultural bioenergy and biobased products research initiative.
Sec. 7411. Specialty crop research initiative.
Sec. 7412. Office of pest management policy.

Subtitle E—Other Laws

Sec. 7501. Critical agricultural materials act.
Sec. 7502. Equity in Educational Land-Grant Status Act of 1994.
Sec. 7503. Agricultural experiment station Research Facilities Act.
Sec. 7504. National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985.
Sec. 7505. Competitive, Special, and Facilities Research Grant Act (national research initiative).
Sec. 7506. Agricultural Risk Protection Act of 2000 (carbon cycle research).
Sec. 7507. Renewable Resources Extension Act of 1978.
Sec. 7508. National Aquaculture Act of 1980.
Sec. 7509. Construction of a Chinese Garden at the National Arboretum.
Sec. 7510. Public education regarding use of biotechnology in producing food for human consumption.
Sec. 7511. Fresh cut produce safety grants.
Sec. 7512. UDC/EFNEP Eligibility.
Sec. 7513. Smith-Lever Act.
Sec. 7514. Hatch Act of 1987.

Subtitle F—Additional Provisions

Sec. 7601. Merit review of extension and educational grants.
Sec. 7602. Review of plan of work requirements.
Sec. 7603. Multistate and integration funding.
Sec. 7604. Expanded food and nutrition education program.
Sec. 7605. Grants to 1890 schools to expand extension capacity.
Sec. 7606. Borlaug international agricultural science and technology fellowship program.
Sec. 7607. Support for research regarding diseases of wheat, triticale, and barley caused by fusarium graminearum or by tilletia indica.
Sec. 7608. Cost Recovery.
Sec. 7609. Organic Food and Agricultural Systems Funding.

TITLE VIII—FORESTRY

Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 8001. National priorities for private forest conservation.
Sec. 8002. Long-term, State-wide assessments and strategies for forest resources.
Sec. 8003. Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
Sec. 8004. Changes to Forest Resource Coordinating Committee.
Sec. 8005. Changes to State Forest Stewardship Coordinating Committees.
Sec. 8006. Competition in programs under Cooperative Forestry Assistance Act of 1978.
Sec. 8007. Cooperative forest innovation partnership projects.

Subtitle B—Amendments to Other Laws

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Sec. 8102. Emergency forest restoration program.
Sec. 8103. Office of International Forestry.
Sec. 8104. Rural revitalization technologies.

Subtitle C—Miscellaneous Provisions

Sec. 8201. Hispanic-serving institution agricultural land national resources leadership program.

TITLE IX—ENERGY

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Sec. 9002. Federal procurement of biobased products.
Sec. 9003. Loan guarantees for biorefineries and biofuel production plants.
Sec. 9004. Energy audit and renewable energy development program.
Sec. 9005. Renewable energy systems and energy efficiency improvements.
Sec. 9006. Biomass Research and Development Act of 2000.
Sec. 9007. Adjustments to the bioenergy program.
Sec. 9008. Research, extension, and educational programs on biobased energy technologies and products.
Sec. 9009. Energy Council of the Department of Agriculture.
Sec. 9010. Farm energy production pilot program.
Sec. 9011. Rural energy self-sufficiency initiative.
Sec. 9012. Agricultural biofuels from biomass internship pilot program.
Sec. 9013. Feedstock flexibility program for bioenergy producers.
Sec. 9014. Dedicated ethanol pipeline feasibility studies.
Sec. 9015. Biomass inventory report.
Sec. 9016. Future farmsteads program.
Sec. 9017. Sense of Congress on renewable energy.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

Subtitle A—Honey and Bees

Sec. 10001. Annual report on response to honey bee colony collapse disorder.

Subtitle B—Horticulture Provisions

Sec. 10101. Tree assistance program.
Sec. 10102. Specialty crop block grants.
Sec. 10103. Additional section 32 funds for purchase of fruits, vegetables, and nuts to support domestic nutrition assistance programs.
Sec. 10104. Independent evaluation of Department of Agriculture commodity purchase process.
Sec. 10105. Quality requirements for clementines.
Sec. 10106. Implementation of food safety programs under marketing orders.
Sec. 10107. Inclusion of specialty crops in census of agriculture.
Sec. 10108. Maturity requirements for Hass avocados.
Sec. 10109. Mushroom promotion, research, and consumer information.
Sec. 10110. Fresh produce education initiative.

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SEC. 1001. DEFINITIONS.

In this title:

(1) AGRICULTURAL ACT OF 1949.—The term ''Agricultural Act of 1949'' means the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as in effect prior to the suspensions under section 171 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301), section 1602(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992(b)), and section 1502(b) of this Act.

(2) BASE ACRES.—The term ''base acres'', with respect to a covered commodity on a farm, means the number of acres established under sections 1101 and 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911, 7952), as in effect on the day before the date of the enactment of this Act, subject to any adjustment under section 1101 of this Act.

(3) COMPARABLE UNITED STATES QUALITY.—The term ''Comparable United States Quality'', with respect to upland cotton, means upland cotton classified as Middling (M) 1 3/32-inch cotton with a micronaire of 3.7 to 4.2, strength 30 grams per tex, and uniformity of 83.

(4) COUNTER-CYCLICAL PAYMENT.—The term ''counter-cyclical payment'' means a payment made to producers on a farm under section 1103 or 1104.

(5) COVERED COMMODITY.—The term ''covered commodity'' means wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybeans, peanuts, and other oilseeds.

(6) DIRECT PAYMENT.—The term ''direct payment'' means a payment made to producers on a farm under section 1102.

(7) EFFECTIVE PRICE.—The term ''effective price'', with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 1103 to determine whether counter-cyclical payments are required to be made for that crop year under that section.

(8) EXTRA LONG STAPLE COTTON.—The term ''extra long staple cotton'' means cotton that—

(A) is produced from pure strain varieties of the Barbadense species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(9) FAR EAST PRICE.—The term ''Far East price'' means the Friday through Thursday average price quotation for the three lowest-priced growths of upland cotton, as quoted for Middling (M) 1 3/32-inch cotton, delivered C/F Far East.

(10) LOAN COMMODITY.—The term ''loan commodity'' means wheat, corn, grain sorghum, feed barley, malt barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, short grain rice, soybeans, peanuts, other oilseeds, wool, mohair, honey, dry peas, lentils, and small chickpeas.

(11) OTHER OILSEED.—The term ''other oilseed'' means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or, if designated by the Secretary, another oilseed.

(12) PAYMENT ACRES.—The term ''payment acres'', with respect to a covered commodity on a farm, means 85 percent of the base acres for the covered commodity, on which direct payments and counter-cyclical payments are made.

(13) PAYMENT YIELD.—The term ''payment yield'' means the yield established for direct payments and counter-cyclical payments under section 1102 or 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912; 7952), as in effect on the day before the date of the enactment of this Act, for a farm for a covered commodity.

(14) PRODUCER.—

(A) IN GENERAL.—The term ''producer'' means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(16) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(17) TARGET PRICE.—The term ''target price'' means the price per bushel (or other appropriate unit in the case of upland cotton, rice, peanuts, and other oilseeds) of a covered commodity used to determine the payment rate for counter-cyclical payments under section 1103.

(18) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

(19) UNITED STATES PREMIUM FACTOR.—The term ''United States Premium Factor'' means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1 1/8-inch cotton and for M 1 3/32-inch exceeds the difference in the applicable premiums for comparable international qualities delivered C/F Far East.

Subtitle A—Direct Payments and Counter-Cyclical Payments

SEC. 1101. ADJUSTMENTS TO BASE ACRES.

(a) TREATMENT OF CONSERVATION RESERVE CONTRACT ACREAGE.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm whenever either of the following circumstances occurs:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary.

(2) SPECIAL PAYMENT RULES.—For the crop year in which a base acres adjustment under paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for 1 or more covered commodities for the farm so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(B) Any other acreage on the farm enrolled in a conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(c) PERMANENT REDUCTION IN BASE ACRES.—

(1) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(2) ADMINISTRATION.—The reduction shall be permanent and made in the manner prescribed by the Secretary.

SEC. 1102. AVAILABILITY OF DIRECT PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years of each covered commodity, the Secretary shall make direct payments to producers on farms for which payment yields and base acres are established.

(b) PAYMENT RATE.—The payment rates used to make direct payments with respect to covered commodities for a crop year are as follows:

(1) Wheat, $0.52 per bushel.
(2) Corn, $0.28 per bushel.
(3) Grain sorghum, $0.35 per bushel.
(4) Barley, $0.24 per bushel.
(5) Oats, $0.024 per bushel.
(6) Upland cotton, $0.0667 per pound.
(7) Rice, $2.35 per hundredweight.
(8) Soybeans, $0.44 per bushel.
(9) Other oilseeds, $0.0080 per pound.
(10) Peanuts, $36.00 per ton.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—In the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments before October 1 of the calendar year in which the crop of the covered commodity is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—At the option of the producers on a farm, up to 22 percent of the direct payment for a covered commodity for any of the 2008 through 2011 crop years shall be paid to the producers in advance.

(B) MONTH.—

(i) SELECTION.—The producers shall select the month within which the advance payment for a crop year will be made.

(ii) OPTIONS.—The month selected may be any month during the period beginning on December 1 of the calendar year before the calendar year in which the crop of the covered commodity is harvested through the month within which the direct payment would otherwise be made.

(iii) CHANGE.—The producers may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

(e) PROHIBITION ON DE MINIMIS PAYMENTS.—If the total direct payment to be paid to a producer on a farm for all covered commodities is less than $25.00, the Secretary shall not tender the direct payment to the producer.

SEC. 1103. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres are established with respect to the covered commodity if the Secretary determines that the effective price for the covered commodity is less than the target price for the covered commodity.

(b) EFFECTIVE PRICE.—For purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

(1) The higher of the following:

(A) The national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary.

(B) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the applicable period under subtitle B, except that, for the purpose of calculating counter-cyclical payments under this section for rice and barley, the Secretary shall establish national average all rice and all barley loan rates.

(2) The payment rate in effect for the covered commodity under section 1102 for the purpose of making direct payments with respect to the covered commodity.

(c) TARGET PRICE.—For purposes of subsection (a), the target prices for covered commodities shall be as follows:

(1) Wheat, $4.15 per bushel.

(2) Corn, $2.63 per bushel.

(3) Grain sorghum, $2.57 per bushel.

(4) Barley, $2.73 per bushel.

(5) Oats, $1.50 per bushel.

(6) Upland cotton, $0.70 per pound.

(7) Rice, $10.50 per hundredweight.

(8) Soybeans, $6.10 per bushel.

(9) Other oilseeds, $0.1150 per pound.

(10) Peanuts, $495.00 per ton.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments with respect to a covered commodity for a crop year shall be equal to the difference between—

(1) the target price for the covered commodity; and

(2) the effective price determined under subsection (b) for the covered commodity.

(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—If the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for the crop of a covered commodity, the Secretary shall make the counter-cyclical payments for the crop as soon as practicable after the end of the 12-month marketing year for the covered commodity.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for that crop of the covered commodity.

(3) TIME FOR PARTIAL PAYMENTS FOR 2008 THROUGH 2010 CROP YEARS.—If the Secretary is required to make partial payments available under paragraph (2) for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 6 months of the marketing year for the covered commodity; and

(B) the final partial payment shall be made as soon as practicable after the end of the 12-month marketing year for the covered commodity.

(4) AMOUNT OF PARTIAL PAYMENTS.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for each of the 2008 through 2010 crop years shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for the covered commodity for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for the covered commodity for that crop year.

(g) PROHIBITION ON DE MINIMIS PAYMENTS.—If the total counter-cyclical payment to be paid to a producer on a farm for all covered commodities is less than $25.00, the Secretary shall not tender the counter-cyclical payment to the producer.

SEC. 1104. AVAILABILITY OF REVENUE-BASED COUNTER-CYCLICAL PAYMENTS.

(a) AVAILABILITY AND ELECTION OF ALTERNATIVE APPROACH.—

(1) AVAILABILITY OF REVENUE-BASED COUNTER-CYCLICAL PAYMENTS.—As an alternative to receiving counter-cyclical payments under section 1103 with respect to each covered commodity on a farm, the Secretary shall give the producers on the farm an opportunity to elect to instead receive revenue-based counter-cyclical payments under this section for the 2008 through 2012 crop years.

(2) SINGLE ELECTION; TIME FOR ELECTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall provide notice to producers regarding their opportunity to make the election described in paragraph (1). The notice shall include the following:

(A) Notice that the opportunity of the producers on a farm to make the election is being provided only once.

(B) Information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(3) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (2), the producers on a farm shall submit to the Secretary notice of the election made under paragraph (1).

(4) EFFECT OF FAILURE TO MAKE ELECTION.—If the producers on a farm fail to make the election under paragraph (1) or fail to timely notify the Secretary of the election made, as required by paragraph (3), the producers shall be deemed to have made the election to receive counter-cyclical payments under section 1103 for all covered commodities on the farm.

(b) PAYMENT REQUIRED.—In the case of producers on a farm who make the election under subsection (a) to receive revenue-based counter-cyclical payments, the Secretary shall make revenue-based counter-cyclical payments to such producers with respect to a covered commodity on the farm, if the Secretary determines that the national actual revenue per acre for the covered commodity is less than the national target revenue per acre for the covered commodity, as determined pursuant to this section.

(c) NATIONAL ACTUAL REVENUE PER ACRE.—For each covered commodity for each of the 2008 through 2012 crop years, the Secretary shall establish a national actual revenue per acre by multiplying the national average yield for the given year by the higher of—

(1) the national average market price received by producers of the covered commodity during the 12-month marketing year established by the Secretary; or

(2) the loan rate for the covered commodity under section 1202, except that, for the purpose of calculating national actual revenue per acre for rice and barley, the Secretary shall establish national average all rice and all barley loan rates.

(d) NATIONAL TARGET REVENUE PER ACRE.—The national target revenue per acre shall be, on a per acre basis, as follows:

(1) Wheat, $149.92.

(2) Corn, $344.12.

(3) Grain Sorghum, $131.28.

(4) Barley, $153.30.

(5) Oats, $92.10

(6) Upland cotton, $496.93.

(7) Rice, $548.06.

(8) Soybeans, $231.87.

(9) Other oilseeds, $129.18.

(10) Peanuts, $683.83.

(e) NATIONAL PAYMENT YIELD.—The national payment yield shall be as follows:

(1) Wheat, 36.1 bushels per acre.

(2) Corn, 114.4 bushels per acre.

(3) Grain Sorghum, 58.2 bushels per acre.

(4) Barley, 48.6 bushels per acre.

(5) Oats, 49.8 bushels per acre.

(6) Upland cotton, 634 pounds per acre.

(7) Rice, 51.28 hundredweight per acre.

(8) Soybeans, 34.1 bushels per acre.

(9) Other oilseeds, 1167.6 pounds per acre.

(10) Peanuts, 1.496 tons per acre.

(f) NATIONAL PAYMENT RATE.—The national payment rate used to make revenue-based counter-cyclical payments for a crop year shall be the result of—

(1) the difference between the national target revenue per acre for the covered commodity and the national actual revenue per acre for the covered commodity; divided by

(2) the national payment yield for the covered commodity.

(g) PAYMENT AMOUNT.—If revenue-based counter-cyclical payments are required to be paid for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year for the covered commodity shall be equal to the product of—

(1) the national payment rate for the covered commodity;

(2) the payment acres of the covered commodity on the farm; and

(3) the payment yield for counter-cyclical payments for the covered commodity.

(h) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—If the Secretary determines that revenue-based counter-cyclical payments are required to be made under this section for the crop of a covered commodity, the Secretary shall make the counter-cyclical payments for the crop as soon as practicable after the end of the 12-month marketing year for the covered commodity.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that revenue-based counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the revenue-based counter-cyclical payments projected to be made for that crop of the covered commodity.

(3) TIME FOR PARTIAL PAYMENTS FOR 2008 THROUGH 2010 CROP YEARS.—If the Secretary is required to make partial payments available under paragraph (2) for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 6 months of the marketing year for the covered commodity; and

(B) the final partial payment shall be made as soon as practicable after the end of the 12-month marketing year for the covered commodity.

(4) AMOUNT OF PARTIAL PAYMENTS.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected revenue-based counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for each of the 2008 through 2010 crop years shall be equal to the difference between—

(i) the actual revenue-based counter-cyclical payments to be made to the producers for the covered commodity for that crop year; and

(ii) the amount of the partial payment made to the producers on a farm under subparagraph (A) for that crop year.

(5) REPAYMENT.—Producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual revenue-based counter-cyclical payments to be made for the covered commodity for that crop year.

(i) PROHIBITION ON DE MINIMIS PAYMENTS.—If the total revenue-based counter-cyclical payment to be paid to a producer on a farm for all covered commodities is less than $25.00, the Secretary shall not tender the revenue-based counter-cyclical payment to the producer.

SEC. 1105. PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments or counter-cyclical payments with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 1106;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm for an agricultural or conserving use, and not for a nonagricultural commercial or industrial use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary.

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in base acres for which direct payments or counter-cyclical payments are made shall result in the termination of the payments with respect to the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment or counter-cyclical payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments and counter-cyclical payments among the producers on a farm on a fair and equitable basis.

SEC. 1106. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than lentils, mung beans, and dry peas).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—

(1) PILOT PROJECT AUTHORIZED.—In addition to the exceptions provided in subsection (c), the Secretary shall carry out a pilot project in the State of Indiana under which paragraphs (1) and (2) of subsection (b) shall not limit the planting of tomatoes grown for processing on up to 10,000 base acres during each of the 2008 through 2012 crop years.

(2) CONTRACT AND MANAGEMENT REQUIREMENTS.— To be eligible for selection to participate in the pilot project, a producer must—

(A) have a contract to grow tomatoes for processing; and

(B) agree to produce the tomatoes as part of a program of crop rotation on the farm to achieve agronomic and pest and disease management benefits.

(3) TEMPORARY REDUCTION IN BASE ACRES.—The base acres on a farm for a crop year shall be reduced by an acre for each acre planted to tomatoes under the pilot program.

(4) DURATION OF REDUCTIONS.—The reduction in the base acres of a farm for a crop year under paragraph (3) shall expire at the end of the crop year, unless the producers on the farm elect to continue to participate in the pilot project for the subsequent crop year.

(5) RECALCULATION OF BASE ACRES.—If the Secretary recalculates base acres for a farm while the farm is included in the pilot project, the planting and production of tomatoes under the pilot project shall be considered to be the same as the planting, prevented planting, or production of a covered commodity. Nothing in this paragraph provides authority for the Secretary to recalculate base acres for a farm.

SEC. 1107. PERIOD OF EFFECTIVENESS.

This subtitle shall be effective beginning with the 2008 crop year of each covered commodity through the 2012 crop year.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary

and at the loan rate established under section 1202 for the loan commodity.

(b) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (a) for any quantity of a loan commodity produced on the farm.

(c) TREATMENT OF CERTAIN COMMINGLED COMMODITIES.—In carrying out this subtitle, the Secretary shall make loans to producers on a farm that would be eligible to obtain a marketing assistance loan, but for the fact the loan commodity owned by the producers on the farm commingled with loan commodities of other producers in facilities unlicensed for the storage of agricultural commodities by the Secretary or a State licensing authority, if the producers obtaining the loan agree to immediately redeem the loan collateral in accordance with section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286).

(d) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(e) PEANUT-RELATED LOAN PROVISIONS.—

(1) OPTIONS FOR OBTAINING LOANS.—A marketing assistance loan for peanuts under this section and loan deficiency payments for peanuts under section 1205 may be obtained at option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(2) STORAGE OF LOAN PEANUTS.—As a condition on the Secretary's approval of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide such storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(3) MARKETING.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) LOAN RATES.—The loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.94 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of malt barley, $2.50 per bushel.

(5) In the case of feed barley, $1.90 per bushel.

(6) In the case of oats, $1.46 per bushel.

(7) In the case of the base quality of upland cotton, $0.52 per pound.

(8) In the case of extra long staple cotton, $0.7977 per pound.

(9) In the case of long grain rice, $6.50 per hundredweight.

(10) In the case of medium grain rice and short grain rice, $6.50 per hundredweight.

(11) In the case of soybeans, $5.00 per bushel.

(12) In the case of other oilseeds, $0.1070 per pound for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(13) In the case of dry peas, $5.40 per hundredweight.

(14) In the case of lentils, $11.28 per hundredweight.

(15) In the case of small chickpeas, $8.54 per hundredweight.

(16) In the case of peanuts, $355.00 per ton.

(17) In the case of graded wool, $1.10 per pound.

(18) In the case of nongraded wool, $0.40 per pound.

(19) In the case of honey, $0.60 per pound.

(20) In the case of mohair, $4.20 per pound.

(b) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsection (a)(12).

(c) SPECIAL RULES FOR CORN AND GRAIN SORGHUM.—

(1) SINGLE COUNTY AND NATIONAL AVERAGE LOAN RATE.—The Secretary shall—

(A) establish a single county loan rate for corn and grain sorghum in each county;

(B) establish a single national average loan rate for corn and grain sorghum; and

(C) determine each county loan rate and the national average loan rate for corn and grain sorghum and any and all other program loan rates applicable to corn and grain sorghum from a data set that includes prices for both commodities.

(2) ADMINISTRATION.—With respect to corn and grain sorghum, the Secretary—

(A) shall administer the applicable loan, marketing loan, counter-cyclical payment, and related programs from a single loan rate for corn and grain sorghum that is identical in each individual county;

(B) shall provide that any adjustment in the loan rate for location shall be determined and applied on the basis of the combined data set such that any transportation adjustment shall be the same for corn and grain sorghum in each individual county; and

(C) may provide for adjustments for grade, type, and quality as appropriate for the corn or grain sorghum involved in each specific transaction.

SEC. 1203. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

SEC. 1204. REPAYMENT OF LOANS.

(a) GENERAL RULE.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, short grain rice, extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at the lesser of the following:

(1) The loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(2) A rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries, if applicable.

(b) REPAYMENT RATES FOR UPLAND COTTON AND RICE.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, medium grain rice, and short grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

(c) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for upland cotton, which shall be based on the Far East price of upland cotton;

(2) a formula to determine the prevailing world market price for—

(A) long grain rice; and

(B) medium and short grain rice;

(3) a mechanism by which the Secretary will announce periodically the prevailing world market price for upland cotton, long grain rice, and medium and short grain rice; and

(4) a mechanism by which the Secretary will make the adjustments, required by subsection (e), to the prevailing world market price for upland cotton, long grain rice, and medium and short grain rice.

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON AND RICE.—

(1) RICE.—The prevailing world market price for long grain, medium grain, and short grain rice determined in subsection (d) shall be adjusted to United States quality and location.

(2) COTTON.—The prevailing world market price for upland cotton, determined in subsection (d) shall be—

(A) adjusted to United States quality and location, with such quality adjustment to include—

(i) any existing United States loan schedule premiums for Comparable United States Quality; and

(ii) a reduction equal to any United States Premium Factor to upland cotton of a quality higher than Middling (M) 1 3/32-inch; and

(B) adjusted to take into account average costs to market the commodity, including average transportation costs, as determined by the Secretary.

(f) ADDITIONAL ADJUSTMENT AUTHORITY REGARDING PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.—

(1) IN GENERAL.—During the period beginning on the date of the enactment of this Act through July 31, 2013, the Secretary may further adjust the prevailing world market price for upland cotton (adjusted under subsection (d)) if the Secretary determines such adjustment necessary—

(A) to minimize potential loan forfeitures;

(B) to minimize the accumulation of stocks of the commodity by the Federal Government;

(C) to allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally;

(D) to ensure that United States cotton is competitive in world markets; and

(E) to ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of the current marketing year only if there are less than three current-crop price quotations and

only if such forward-crop price quotation is the lowest such quotation available.

(2) GUIDELINES FOR ADDITIONAL ADJUSTMENT.—In further adjusting the prevailing world market price for upland cotton under this subsection, the Secretary shall establish a mechanism for determining and announcing such adjustments in order to avoid undue disruption in the United States market.

(g) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(h) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—

(1) IN GENERAL.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) UNSHORN PELTS, HAY, AND SILAGE.—

(A) MARKETING ASSISTANCE LOANS.—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) LOAN DEFICIENCY PAYMENT.—Effective for the 2008 through 2012 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) COMPUTATION.—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be computed by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) PAYMENT RATE.—

(1) IN GENERAL.—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) UNSHORN PELTS.—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) HAY AND SILAGE.—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—

(1) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) GRAZING OF TRITICALE ACREAGE.—Effective for the 2008 through 2012 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(1) IN GENERAL.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(2) GRAZING OF TRITICALE ACREAGE.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to wheat on the farm or, in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(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 1205.

(2) AVAILABILITY.—

(A) IN GENERAL.—The Secretary shall establish an availability period for the payments authorized by this section.

(B) CERTAIN COMMODITIES.—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.—A 2008 through 2012 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) SPECIAL IMPORT QUOTA.—

(1) DEFINITION OF SPECIAL IMPORT QUOTA.—In this subsection, the term ''special import quota'' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of the enactment of this Act through July 31, 2013, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1 3/32-inch cotton, delivered C/F Far East, exceeds the Far East price there shall immediately be in effect a special import quota.

(3) QUANTITY.—The quota shall be equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(4) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (1) and entered into the United States not later than 180 days after that date.

(5) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) DEFINITIONS.—In this subsection:

(A) SUPPLY.—The term ''supply'' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(i) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(B) DEMAND.—The term ''demand'' means—

(i) the average seasonally adjusted annual rate of domestic mill consumption during the most recent 3 months for which data are available; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(C) LIMITED GLOBAL IMPORT QUOTA.—The term ''limited global import quota'' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) NO OVERLAP.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) ISSUANCE OF MARKETING CERTIFICATES OR CASH PAYMENTS.—During the period beginning on the date of the enactment of this Act through July 31, 2013, the Secretary shall issue, on a monthly basis, marketing certificates or cash payments, at the option of the recipient, to domestic users of upland cotton for all documented use of upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be 4 cents per pound.

(3) ALLOWABLE PURPOSES.—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that such funds shall be used only for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery.

(4) REVIEW OR AUDIT.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as determined necessary to carry out the provisions of this subsection.

(5) IMPROPER USE OF ASSISTANCE.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be liable to repay such assistance to the Secretary, plus interest, as determined by the Secretary, and shall be ineligible to participate in the program established by this subsection for a period of 12 months following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act through July 31, 2013, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

(e) FORM OF PAYMENT.—Payments under this section shall be made through the issuance of cash or marketing certificates, at the option of eligible recipients of the payments.

SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) DEFINITION OF HIGH MOISTURE STATE.—In this subsection, the term ''high moisture state'' means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) RECOURSE LOANS AVAILABLE.—For each of the 2008 through 2012 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer's farm; by

(B) the lower of the farm program payment yield used to make counter-cyclical payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2008 through 2012 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

SEC. 1210. DEADLINE FOR REPAYMENT OF MARKETING ASSISTANCE LOAN FOR PEANUTS.

(a) JUNE 30 REDEMPTION DEADLINE.—Notwithstanding any other provision of law, a marketing assistance loan for peanuts may not be redeemed after June 30 of the year subsequent to the year in which the peanuts were harvested.

(b) EFFECT OF FAILURE TO REDEEM.—A marketing assistance loan for peanuts that is not redeemed before the deadline imposed by subsection (a) shall be deemed to be forfeited to the Commodity Credit Corporation.

SEC. 1211. COMMODITY QUALITY INCENTIVE PAYMENTS FOR HEALTHY OILSEEDS.

(a) INCENTIVE PAYMENTS REQUIRED.—Subject to the availability of funds for this purpose, the Secretary shall provide commodity quality incentive payments during the 2009 through 2013 crop years for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) COVERED OILSEEDS.—The Secretary shall make payments under this section only for the production of an oilseed that has, as determined by the Secretary—

(1) been demonstrated to reduce or eliminate the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; and

(2) 1 or more traits for which compelling impediments to commercialization have been identified.

(c) REQUEST FOR PROPOSALS.—

(1) ISSUANCE.—If funds are available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) MULTIYEAR PROPOSALS.—An entity may submit a multiyear proposal for payments under this section.

(3) CONTENT OF PROPOSALS.—A proposal for payments under this section shall include a description of—

(A) each trait of the oilseed described in subsection (b)(2) and the value of the trait as a matter of public policy;

(B) the projected market size and value of the trait;

(C) the projected impact of the proposal on—

(i) the future price of loan commodities; and

(ii) if appropriate, on Federal Government farm program outlays to support loan commodities;

(D) a range for the amount of total per bushel premiums to be paid to producers;

(E) a per bushel amount of incentive payments requested for each year under this section that—

(i) does not exceed ⅓ of the total premium offered for any year; and

(ii) declines over time;

(F) the period of time, of not to exceed 4 years, during which incentive payments are to be provided to producers; and

(G) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) CONTRACTS FOR PRODUCTION.—

(1) IN GENERAL.—The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis so as to allow successful applicants to offer production contracts to producers beginning in advance of the spring planting season for the 2009 crop year.

(2) MULTIYEAR CONTRACTS.—A successful applicant may enter into a multiyear contract with—

(A) a specific group of producers; or

(B) various groups of producers.

(3) TIMING OF PAYMENTS.—The Secretary shall make payments under this section after the Secretary receives documentation that the total premium offered for crops produced under a contract (including the amount of incentive payments) has been made to covered producers.

(e) ADMINISTRATION.—If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent years under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended to read as follows:

"SEC. 156. SUGAR PROGRAM.

''(a) SUGARCANE.—The Secretary shall make loans for raw cane sugar available to processors of domestically grown sugarcane at a rate equal to 18.5 cents per pound for each of the 2008 through 2012 crop years.

''(b) SUGAR BEETS.—The Secretary shall make loans for refined beet sugar available to processors of domestically grown sugar beets at a rate equal to 23.5 cents per pound for each of the 2008 through 2012 crop years.

''(c) TERM OF LOANS.—

''(1) IN GENERAL.—A loan under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

''(A) the end of the 9-month period beginning on the first day of the first month after the month in which the loan is made; or

''(B) the end of the fiscal year in which the loan is made.

''(2) SUPPLEMENTAL LOANS.—In the case of a loan made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

''(A) be made at the loan rate in effect at the time the first loan was made; and

''(B) mature in 9 months less the quantity of time that the first loan was in effect.

''(d) LOAN TYPE; PROCESSOR ASSURANCES.—

''(1) NONRECOURSE LOANS.—The Secretary shall carry out this section through the use of nonrecourse loans.

''(2) PROCESSOR ASSURANCES.—

''(A) IN GENERAL.—The Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for the sugar beets and sugarcane delivered by producers to the processor.

''(B) MINIMUM PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish appropriate minimum payments for purposes of this paragraph.

''(ii) LIMITATION.—In the case of sugar beets, the minimum payment established under clause (i) shall not exceed the rate of payment provided for under the applicable contract between a sugar beet producer and a sugar beet processor.

''(3) ADMINISTRATION.—The Secretary may not impose or enforce any prenotification requirement, or similar administrative requirement not otherwise in effect on May 13, 2002, that has the effect of preventing a processor from electing to forfeit the loan collateral (of an acceptable grade and quality) on the maturity of the loan.

''(e) LOANS FOR IN-PROCESS SUGAR.—

''(1) DEFINITION OF IN-PROCESS SUGARS AND SYRUPS.—In this subsection, the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

''(2) AVAILABILITY.—The Secretary shall make nonrecourse loans available to processors of a crop of domestically grown sugarcane and sugar beets for in-process sugars and syrups derived from the crop.

''(3) LOAN RATE.—The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, as determined by the Secretary on the basis of the source material for the in-process sugars and syrups.

''(4) FURTHER PROCESSING ON FORFEITURE.—

''(A) IN GENERAL.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (2), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b).

''(B) TRANSFER TO CORPORATION.—Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Commodity Credit Corporation.

''(C) PAYMENT TO PROCESSOR.—On transfer of the sugar, the Secretary shall make a payment to the processor in an amount equal to the amount obtained by multiplying—

''(i) the difference between—

''(I) the loan rate for raw cane sugar or refined beet sugar, as appropriate; and

''(II) the loan rate the processor received under paragraph (3); by

''(ii) the quantity of sugar transferred to the Secretary.

''(5) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (4), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may obtain a loan under subsection (a) or (b) for the raw cane sugar or refined beet sugar, as appropriate.

''(6) TERM OF LOAN.—The term of a loan made under this subsection for a quantity of in-process sugars and syrups, when combined with the term of a loan made with respect to the raw cane sugar or refined beet sugar derived from the in-process sugars and syrups, may not exceed 9 months, consistent with subsection (c).

''(f) AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.—

''(1) IN GENERAL.—Subject to subsection (d)(3), to the maximum extent practicable, the Secretary shall operate the program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

''(2) INVENTORY DISPOSITION.—

''(A) IN GENERAL.—To carry out paragraph (1), the Commodity Credit Corporation may accept bids to obtain raw cane sugar or refined beet sugar in the inventory of the Commodity Credit Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (acting in conjunction with the producers of the sugarcane or sugar beets processed by the processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

''(B) BIOENERGY FEEDSTOCK.—If a reduction in the quantity of production accepted under subparagraph (A) involves sugar beets or sugarcane that has already been planted, the sugar beets or sugarcane so planted may not be used for any commercial purpose other than as a bioenergy feedstock.

''(C) ADDITIONAL AUTHORITY.—The authority provided under this paragraph is in addition to any authority of the Commodity Credit Corporation under any other law.

''(g) INFORMATION REPORTING.—

''(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

''(2) DUTY OF PRODUCERS TO REPORT.—

''(A) PROPORTIONATE SHARE STATES.—As a condition of a loan made to a processor for the benefit of a producer, the Secretary shall require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sugarcane yields and acres planted to sugarcane of the producer.

''(B) OTHER STATES.—The Secretary may require each producer of sugarcane or sugar beets not covered by subparagraph (A) to report, in a manner prescribed by the Secretary, the yields of, and acres planted to, sugarcane or sugar beets, respectively, of the producer.

''(3) DUTY OF IMPORTERS TO REPORT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require an importer of sugars, syrups, or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption to report, in the manner prescribed by the Secretary, the quantities of the products imported by the importer and the sugar content or equivalent of the products.

''(B) TARIFF-RATE QUOTAS.—Subparagraph (A) shall not apply to sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are subject to the lower rate of duties.

''(4) COLLECTION OF INFORMATION ON MEXICO.—

''(A) COLLECTION.—The Secretary shall collect—

''(i) information on the production, consumption, stocks and trade of sugar in Mexico, including United States exports of sugar to Mexico; and

''(ii) publicly available information on Mexican production, consumption, and trade of high fructose corn syrups, including United States exports of high fructose corn syrups to Mexico.

''(B) PUBLICATION.—The data collected under subparagraph (A) shall be published in each edition of the World Agricultural Supply and Demand Estimates.

''(5) PENALTY.—Any person willfully failing or refusing to furnish the information required to be reported by paragraph (1), (2), or (3), or furnishing willfully false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

''(6) MONTHLY REPORTS.—Taking into consideration the information received under this subsection, the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

''(h) 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 Secretary, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar and sugar-containing products under those programs.

''(i) EFFECTIVE PERIOD.—This section shall be effective only for the 2008 through 2012 crops of sugar beets and sugarcane.''

(b) TRANSITION.—The Secretary of Agriculture shall make loans for raw cane sugar and refined beet sugar available for the 2007 crop year on the terms and conditions provided in section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), as in effect on the day before the date of the enactment of this Act.

SEC. 1302. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL SUGAR ORGANIZATION.

The Secretary of Agriculture shall work with the Secretary of State to restore United States membership in the International Sugar Organization within one year after the date of enactment of this Act.

SEC. 1303. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) DEFINITION OF HUMAN CONSUMPTION.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

''(1) HUMAN CONSUMPTION.—The term 'human consumption', when used in the context of a reference to sugar (whether in the form of sugar, in-process sugar, syrup, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar products.''.

(b) SUGAR ALLOTMENTS.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended to read as follows:

''SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

''(a) SUGAR ESTIMATES.—

''(1) IN GENERAL.—Not later than August 1 before the beginning of each of the 2008 through 2012 crop years for sugarcane and sugar beets, the Secretary shall estimate—

''(A) the quantity of sugar that will be subject to human consumption in the United States during the crop year;

''(B) the quantity of sugar that would provide for reasonable carryover stocks;

''(C) the quantity of sugar that will be available from carry-in stocks for human consumption in the United States during the crop year;

''(D) the quantity of sugar that will be available from the domestic processing of sugarcane, sugar beets, and in-process beet sugar; and

''(E) the quantity of sugars, syrups, and molasses that will be imported for human consumption or to be used for the extraction of sugar for human consumption in the United States during the crop year, whether such articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota.

''(2) EXCLUSION.—The estimates under this subsection shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in refined form or in products containing sugar.

''(3) REESTIMATES.—The Secretary shall make reestimates of sugar consumption, stocks, production, and imports for a crop year as necessary, but no later than the beginning of each of the second through fourth quarters of the crop year.

''(b) SUGAR ALLOTMENTS.—

''(1) ESTABLISHMENT.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar cane or sugar beets or in-process beet sugar (whether such sugar beets or in-process beet sugar was produced domestically or imported) at a level sufficient to maintain raw and refined sugar prices above forfeiture levels so that there will be no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

''(2) MINIMUM.—The level of allotments established under paragraph (1) may not be less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

''(3) PRODUCTS.—The Secretary may include sugar products, whose majority content is sucrose, in the allotments established under paragraph (1) if the Secretary determines that the inclusion of such sugar products is appropriate for controlling the supply of sugar for human consumption.

''(c) COVERAGE OF ALLOTMENTS.—

''(1) IN GENERAL.—The marketing allotments provided for in this part shall apply to the marketing by processors of sugar intended for domestic human consumption that has been processed from sugar cane or sugar beets or in-process beet sugar (whether such sugar beets or in-process beet sugar was produced domestically or imported).

''(2) EXCEPTIONS.—Consistent with the administration of marketing allotments during crop years 2002 through 2007, the marketing allotments shall not apply to sugar sold—

''(A) to facilitate the exportation of such sugar to a foreign country, except that such exports of sugar shall not be eligible to receive credits under re-export programs for refined sugar or sugar containing products administered by the Secretary;

''(B) to enable another processor to fulfill an allocation established for such other processor, except that such sales must be made before May 1 and must be reported to the Secretary; or

''(C) for uses other than domestic human consumption.

''(d) PROHIBITIONS.—

''(1) IN GENERAL.—During any crop year or portion thereof for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market for domestic human consumption a quantity of sugar in excess of the allocation established for such processor, except to enable another processor to fulfill an allocation established for such other processor or to facilitate the exportation of such sugar.

''(2) CIVIL PENALTY.—Any processor who knowingly violates paragraph (1) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation.

''(3) DEFINITION OF MARKET.—For purposes of this part, the term 'market' shall mean to sell or otherwise dispose of in commerce in the United States, including—

''(A) the forfeiture of sugar under the loan program for sugar under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) and such forfeited sugar shall be deemed to have been marketed during the crop year in which the loan was made;

''(B) with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process; and

''(C) the sale of sugar for the production of ethanol or other bioenergy product, if such ethanol or bioenergy product is the subject of a payment under the feedstock flexibility program for bioenergy producers.''.

(c) ESTABLISHMENT.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

''(b) OVERALL ALLOTMENT QUANTITY.—

''(1) IN GENERAL.—The Secretary shall establish the overall quantity of sugar to be allotted for the crop year (in this part referred to as the 'overall allotment quantity') at a level sufficient to maintain raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation.

''(2) MINIMUM.—The overall allotment quantity established under paragraph (1) may not be less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

''(3) ADJUSTMENT.—Subject to paragraphs (1) and (2), the Secretary shall adjust the overall allotment quantity—

''(A) to maintain raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation; and

''(B) to maintain adequate supplies of raw and refined sugar in the domestic market.'';

(2) in subsection (d)(2), by inserting before the period the following: ''or in-process beet sugar'';

(3) in subsection (g)(1), by inserting at the end the following new sentence: ''However, the overall allotment quantity may not be reduced to a quantity less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.''; and

(4) by striking subsection (h).

(d) ALLOCATION OF MARKETING ALLOTMENTS.—Section 359d(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)) is amended—

(1) in paragraph (1)(F), by striking ''Except as otherwise provided in section 359f(c)(8), if'' and inserting ''If''; and

(2) in paragraph (2), by striking subparagraphs (H) and (I) and inserting the following new subparagraph:

''(H) NEW ENTRANTS STARTING PRODUCTION, REOPENING, OR ACQUIRING AN EXISTING FACTORY WITH PRODUCTION HISTORY.—

''(i) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS NOT OPERATING SINCE BEFORE 1998.—If a New Entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that last processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

''(I) assign an allocation for beet sugar to the New Entrant that provides a fair and equitable distribution of the allocations for beet sugar in order to enable the New Entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly situated processors; and

''(II) reduce the allocations for beet sugar of all other processors on a pro rata basis to reflect the allocation to the New Entrant.

''(ii) ALLOCATION FOR A NEW ENTRANT THAT HAS ACQUIRED AN EXISTING FACTORY WITH A PRODUCTION HISTORY.—If a New Entrant acquires an existing factory that has processed sugar beets from the 1998 or later crop years and has a production history, then, upon the mutual agreement of the New Entrant and the company currently holding the allocation associated with the factory, the Secretary shall transfer to the New Entrant a portion of allocation of the current allocation holder to reflect the historical contribution of the production of the acquired factory to the total allocation of the current allocation holder. In the absence of mutual agreement, the new entrant shall be ineligible for a beet sugar allocation.

''(iii) APPEALS.—Any decision made under this subsection may be appealed to the Secretary pursuant to section 359i.

''(iv) DEFINITION.—In this subparagraph, the term 'New Entrant' means an individual, corporation, or other entity that does not have an allocation of the beet sugar allotment under this part, is not affiliated with any other individual, corporation, or entity that has an allocation of beet sugar under this part (known as a 'third party'), and will process sugar beets produced by sugar beet growers under contract with the New Entrant for the production of sugar at the new or re-opened factory that is the basis for the New Entrant allocation.

''(v) AFFILIATION.—For purposes of this subparagraph, a New Entrant and a third party shall be deemed to be 'affiliated' if—

''(I) the third party has an ownership interest in the New Entrant;

''(II) the New Entrant and the third party have owners in common;

''(III) the third party has the ability to exercise control over the New Entrant by organizational rights, contractual rights, or any other means;

''(IV) the third party has a contractual relationship with the New Entrant by which the New Entrant will make use of the facilities or assets of such third party; or

''(V) any other similar circumstance exists by which the Secretary determines that the New Entrant and the third party are affiliated.''.

(e) REASSIGNMENT OF DEFICITS.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended in both paragraphs (1)(D) and (2)(C) by inserting ''of raw cane sugar'' after ''imports''.

(f) PROVISIONS APPLICABLE TO PRODUCERS.—Section 359f(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)) is amended—

(1) in paragraph (2), by striking ''quantity of sugarcane'' and inserting ''quantity of sugar produced from sugarcane'';

(2) in paragraph (5)(C), by inserting ''for sugar'' before ''in excess of the farm's proportionate share'';

(3) in paragraph (7), by striking ''amount of sugarcane'' and inserting ''amount of sugar from sugarcane''; and

(4) by striking paragraph (8) and inserting the following new paragraph:

''(8) SEED DEFINITION.—In this subsection, the term 'seed' includes only varieties of seed dedicated to the production of sugarcane from which is produced sugar for human consumption, and excludes seed of high-fiber cane varieties dedicated to other uses, as determined by the Secretary.''.

(g) SPECIAL RULES.—Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) TRANSFER OF ACREAGE BASE HISTORY.—

''(1) TRANSFER AUTHORIZED.—For the purpose of establishing proportionate shares for sugarcane farms under section 359f(c), the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant.

''(2) CONVERTED ACREAGE BASE.—

''(A) IN GENERAL.—Sugarcane base acreage established under section 359f(c) that has been or is converted to non-agricultural use on or after May 13, 2002, may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share State in accordance with this paragraph.

''(B) NOTIFICATION.—Not later than 90 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, or the subsequent conversion of sugarcane base acreage to a non-agricultural use, the Secretary, acting through the Farm Service Agency, shall notify the affected landowner (or landowners) of the transferability of the applicable sugarcane base acreage.

''(C) INITIAL TRANSFER PERIOD.—The owner of the base attributable to the acreage at the time of the conversion shall be afforded 90 days from the date of the receipt of the notification under subparagraph (B) to transfer the base to one or more farms owned by the owner.

''(D) GROWER OF RECORD.—If the transfer under subparagraph (C) cannot be accomplished within the time period prescribed in such subparagraph, then the grower of record with regard to the base acreage on the date on which the acreage was converted to non-agricultural use shall be so notified, and shall be afforded 90 days from the date of the receipt of such notification to transfer the base to one or more farms operated by the grower.

''(E) POOL DISTRIBUTION.—If the transfers under subparagraphs (B) and (C) cannot be accomplished within the time periods prescribed therein, then the county committee for the applicable parish shall place the acreage base in a pool for possible assignment to other farms. After providing reasonable notice to farm owners, operators, and growers of record in the parish, the county committee shall accept requests from owners, operators, and growers of record in the parish. The county committee shall assign the base to other farms in the parish that are eligible and capable of accepting such base, based on a random drawing from among the requests received from owners, operators, and growers of record with eligible farms.

''(F) STATEWIDE REALLOCATION.—Any base remaining unassigned after the processes in subparagraphs (A) through (E) shall be made available to the State committee for allocation among the remaining county committees in the State representing parishes with farms eligible for assignment of the base. The remaining base shall be reallocated to requesting county committees based on a random drawing. Any county committee receiving base under this subparagraph shall allocate the base to eligible farms using the process described in subparagraph (E).

''(G) STATUS OF REASSIGNED BASE.—Once reassigned pursuant to this paragraph, the acreage base shall remain on the farm, and will be subject to the transfer provisions of paragraph (1).'';

(2) by striking subsection (d) and inserting the following new subsection:

''(d) TRANSFERS OF MILL ALLOCATIONS.—

''(1) TRANSFER AUTHORIZED.—A producer in a proportionate share State, upon written consent from all affected crop-share owners (or the representative of the crop-share owners) of a farm may deliver sugarcane to another processing company if the additional delivery, when combined with such other processing company's existing deliveries, does not exceed the processing capacity of the company.

''(2) ALLOCATION ADJUSTMENT.—Notwithstanding section 359d, the Secretary shall adjust the allocations of each of such processing companies affected by a transfer under paragraph (1) to reflect the change in deliveries, based on—

''(A) the number of acres of sugarcane base being transferred; and

''(B) the pro-rata amount of allocation at the processing company holding the applicable allocation that equals the grower's contribution to the processing company's allocation for the sugarcane base acres being transferred.''.

(h) APPEALS.—Section 359i of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii) is amended—

(1) in subsection (a), by inserting ''or 359g(d)'' after ''359f''; and

(2) by striking subsection (c).

(i) ADMINISTRATION OF TARIFF RATE QUOTAS.—The Agricultural Adjustment Act of 1938 is amended by striking section 359k (7 U.S.C. 1359kk) and inserting the following new section:

''SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

''(a) ESTABLISHMENT.—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars at the minimum necessary to comply with obligations under international trade agreements that have been approved by the Congress. This subsection shall not apply to specialty sugar.

''(b) ADJUSTMENT.—

''(1) BEFORE APRIL 1.—

''(A) INITIAL ADJUSTMENT REQUIRED.—Before April 1 of a fiscal year, in the event that there is an emergency shortage of sugar in the United States market that is caused by war, floods, hurricanes, or other natural disaster, or other similar event, the Secretary shall take action to increase supply as provided under sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports.

''(B) ADDITIONAL ADJUSTMENT.—If, after adjustment under subparagraph (A), there is still a shortage of sugar in the United States market, and marketings of domestic sugar have been maximized, the Secretary may increase the tariff-rate quota for refined sugars sufficient to accommodate the supply increase, if such further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

''(2) ON OR AFTER APRIL 1.—

''(A) INITIAL ADJUSTMENT AUTHORIZED.—On or after April 1 of a fiscal year, the Secretary may take action to increase supply as provided under sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports.

''(B) ADDITIONAL ADJUSTMENT.—If, after adjustment under subparagraph (A), there is still a shortage of sugar in the United States market, and marketings of domestic sugar have been maximized, the Secretary may increase the tariff-rate quota for raw cane sugar if such further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

''(c) ORDERLY SHIPPING PATTERNS FOR MAJOR SUPPLIERS.—

''(1) IN GENERAL.—The Secretary of Agriculture shall establish orderly shipping patterns for major suppliers of sugar to the United States under the tariff rate quotas in accordance with this subsection.

''(2) VERY LARGE MAJOR SUPPLIERS.—If a country holds quota allocations of at least 100,000 metric tons of sugar, the Secretary shall allow the country to export up to 25 percent of the country's quota allocation to the United States in each calendar quarter. Sugar permitted to enter into the United States in a calendar quarter, but not actually entered in that quarter, may be entered into the United States at any time during the remainder of the fiscal year.

''(3) LARGE MAJOR SUPPLIERS.—For countries holding quota allocations of more than 45,000

metric tons of sugar, but less than 100,000 metric tons of sugar, the Secretary shall require that the country may ship not more than 50 percent of the country's quota sugar to the United States in the first six months of the year.''.

(j) EFFECTIVE DATE.—The Agricultural Adjustment Act of 1938 is amended by inserting after section 359k (7 U.S.C. 1359kk) the following new section:

''SEC. 359l. EFFECTIVE PERIOD.

''This part shall be effective only for the 2008 through 2012 crop years for sugar.''.

(k) TRANSITION.—The Secretary of Agriculture shall administer flexible marketing allotments for sugar for the 2007 crop year for sugar on the terms and conditions provided in part VII of title III of the Agricultural Adjustment Act of 1938, as in effect on the day before the date of the enactment of this Act.

Subtitle D—Dairy-Related Provisions

SEC. 1401. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

(a) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2008, through December 31, 2012, the Secretary of Agriculture shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products made from milk produced in the United States.

(b) PURCHASE PRICE.—To carry out subsection (a) during the period specified in such subsection, the Secretary shall purchase—

(1) cheddar cheese in blocks at not less than $1.13 per pound;

(2) cheddar cheese in barrels at not less than $1.10 per pound;

(3) butter at not less than $1.05 per pound; and

(4) nonfat dry milk at not less than $0.80 per pound.

(c) TEMPORARY PRICE ADJUSTMENT TO AVOID EXCESS INVENTORIES.—

(1) ADJUSTMENTS AUTHORIZED.—The Secretary may adjust the minimum purchase prices established under subsection (b) only as permitted under this subsection.

(2) CHEESE INVENTORIES IN EXCESS OF 200 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 200 million pounds of cheese, but do not exceed 400 million pounds, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (b) during the immediately following month by not more than 10 cents per pound.

(3) CHEESE INVENTORIES IN EXCESS OF 400 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 400 million pounds of cheese, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (b) during the immediately following month by not more than 20 cents per pound.

(4) BUTTER INVENTORIES IN EXCESS OF 450 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 450 million pounds of butter, but do not exceed 650 million pounds, the Secretary may reduce the purchase price under subsection (b)(3) during the immediately following month by not more than 10 cents per pound.

(5) BUTTER INVENTORIES IN EXCESS OF 650 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 650 million pounds of butter, the Secretary may reduce the purchase price under subsection (b)(3) during the immediately following month by not more than 20 cents per pound.

(6) NONFAT DRY MILK INVENTORIES IN EXCESS OF 600 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 600 million pounds of nonfat dry milk, but do not exceed 800 million pounds, the Secretary may reduce the purchase price under subsection (b)(4) during the immediately following month by not more than 5 cents per pound.

(7) NONFAT DRY MILK INVENTORIES IN EXCESS OF 800 MILLION POUNDS.—If net removals for a period of 12 consecutive months exceed 800 million pounds of nonfat dry milk, the Secretary may reduce the purchase price under subsection (b)(4) during the immediately following month by not more than 10 cents per pound.

(d) UNIFORM PURCHASE PRICE.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk, respectively, under subsection (a) shall be uniform for all regions of the United States.

(e) SALES FROM INVENTORIES.—In the case of each commodity specified in subsection (b) that is available for unrestricted use in inventories of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity at the time of sale, except that the sale price may not be less than 110 percent of the minimum purchase price specified in subsection (b) for that commodity.

(f) NET REMOVALS DEFINED.—In this section, the term ''net removals'' means—

(1) the sum of the quantity of a product described in subsection (a) purchased by the Commodity Credit Corporation under this section and the quantity of such product exported under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14); less

(2) the amount of such product sold for unrestricted use by the Commodity Credit Corporation.

(g) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds of the Commodity Credit Corporation to carry out this section.

SEC. 1402. DAIRY FORWARD PRICING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Agriculture shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperative associations of producers, and prices received by milk producers and cooperative associations, in accordance with the terms of a forward price contract authorized by subsection (a), shall be deemed to satisfy —

(1) all uniform and minimum milk price requirements of paragraphs (B) and (F) of subsection (5) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 627), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) the total payment requirement of paragraph (C) of such subsection.

(c) MILK COVERED BY PROGRAM.—

(1) COVERED MILK.—The program shall apply only with respect to the marketing of federally regulated milk that—

(A) is not classified as Class I milk or otherwise intended for fluid use; and

(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with the limitation in paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperatives, and other sources that are not subject to a forward contract to satisfy the handler's obligations with regard to Class I milk usage.

(d) VOLUNTARY PROGRAM.—A milk handler may not require participation in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers, and such producer or cooperative association may continue to have their milk priced under the order's minimum payment provisions. The Secretary shall investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward contracts, and if the Secretary finds evidence of such coercion, the Secretary shall take appropriate action.

(e) DURATION.—No forward price contract may be entered into under this program after September 30, 2012, and no forward contract entered into under the program may extend beyond September 30, 2015.

SEC. 1403. DAIRY EXPORT INCENTIVE PROGRAM.

(a) EXTENSION.—Subsection (a) of section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended by striking ''2007'' and inserting ''2012''.

(b) COMPLIANCE WITH TRADE AGREEMENTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following new paragraph:

''(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511) is exported under the program each year (minus the volume sold under section 1163 of this Act (Public Law 99–198; 7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and''; and.

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

''(1) FUNDS AND COMMODITIES.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511), minus the amount expended under section 1163 of this Act (Public Law 99–198; 7 U.S.C. 1731 note) during that year.''.

SEC. 1404. REVISION OF FEDERAL MARKETING ORDER AMENDMENT PROCEDURES.

Subsection (17) of 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 to read as follows:

''(17) PROVISIONS APPLICABLE TO AMENDMENTS.—

''(A) APPLICABILITY TO AMENDMENTS.—The provisions of this section and section 8d, applicable to orders shall be applicable to amendments to orders.

''(B) ADVANCE NOTICE OF HEARING.—Notice of a hearing upon a proposed amendment to any order issued pursuant to this section shall be given not less than 3 days before the date fixed for the hearing, and such notice shall be deemed to be due notice of the hearing.

''(C) PROMPT RESPONSE TO REQUESTS FOR AMENDMENT HEARINGS.—Not more than 30 days after receipt of a written request for an amendment hearing regarding a milk marketing order, the Secretary shall—

''(i) issue a denial of the request; or

''(ii) issue notice of the hearing, which shall begin no more than 60 days, and conclude no more than 90 days, after receipt of the request.

''(D) SUBMISSION AND USE OF EVIDENCE.—The proponents of any amendment proposed to be made to a milk marketing order shall file with the Secretary all testimony and other evidence in support of the amendment, in written form, at least 7 business days before the date fixed for the hearing. The Secretary shall make such written testimony and other evidence available to interested members of the public. Subject to any evidentiary objections and cross examination of submitting witness, the written testimony and evidence shall be entered into evidence without being read at the hearing.

''(E) ISSUANCE OF DECISION.—The Secretary shall issue a recommended decision on a proposed amendment to a milk marketing order not later than 90 days after the date set by the Administrative Law Judge for the submission of

post-hearing proposed findings and conclusions and written arguments or briefs. The final decision shall be issued not later than 60 days after the date on which the recommended decision was issued.

''(F) AVOIDING DUPLICATION.—The Secretary shall not be required to call a hearing on any amendment proposed to be made to a milk marketing order in response to an application for a hearing on such proposed amendment if the application requesting the hearing is received by the Secretary within 90 days after the date on which the Secretary has announced the decision on a previously proposed amendment to that order and the two proposed amendments are essentially the same.''.

SEC. 1405. DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90–484 (7 U.S.C. 450l) is amended by striking ''2007'' and inserting ''2012''.

SEC. 1406. EXTENSION OF MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)(B)), as amended by section 9006(a) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28, 121 Stat. 217), is amended by striking ''2007'' and inserting ''2012''.

SEC. 1407. DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) EXTENSION OF PROMOTION AUTHORITY.—Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking ''2007'' and inserting ''2012''.

(b) DEFINITION OF UNITED STATES FOR PROMOTION PROGRAM.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) by striking subsection (l) and inserting the following new subsection:

''(l) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico;''; and

(2) in subsection (m), by striking ''(as defined in subsection (l))''.

(c) DEFINITION OF UNITED STATES FOR RESEARCH PROGRAM.—Section 130 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4531)) is amended by striking paragraph (12) and inserting the following new paragraph:

''(12) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

SEC. 1408. REPORT ON DEPARTMENT OF AGRICULTURE REPORTING PROCEDURES FOR NONFAT DRY MILK.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding Department of Agriculture reporting procedures for nonfat dry milk and the impact of these procedures on Federal milk marketing order minimum prices during the period beginning on July 1, 2006, and ending on the date of the enactment of this Act.

SEC. 1409. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

(a) ESTABLISHMENT.—Subject to the availability of appropriations to carry out this section, the Secretary of Agriculture shall establish a commission to be known as the ''Federal Milk Marketing Order Review Commission'', in this section referred to as the ''commission'', which shall conduct a comprehensive review and evaluation of—

(1) the current Federal milk marketing order system; and

(2) non-Federal milk marketing order systems.

(b) ELEMENTS OF REVIEW AND EVALUATION.—As part of the review and evaluation under subsection (a), the commission shall consider legislative and regulatory options for—

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) enhancing the competitiveness of American dairy producers in world markets;

(3) increasing the responsiveness of the Federal milk marketing order system to market forces;

(4) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(5) simplifying the Federal milk marketing order system;

(6) evaluating whether the Federal milk marketing order system, established during the Great Depression, continues to serve the interests of the public, dairy processors, and dairy farmers;

(7) evaluating whether Federal milk marketing orders are operating in a manner to minimize costs to taxpayers and consumers; and

(8) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The commission shall consist of 16 members.

(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section, commission members shall be appointed as follows:

(A) Two members appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking member of the Committee on Agriculture of the House of Representatives.

(B) Two members appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking member of the Committee on Agriculture, Nutrition and Forestry of the Senate.

(C) Fourteen members appointed by the Secretary of Agriculture.

(3) SPECIAL APPOINTMENT REQUIREMENTS.—In the case of the members to be appointed under paragraph (2)(E), the Secretary shall comply with the following requirements:

(A) At least one member shall represent a national consumer organization.

(B) At least four members shall represent land-grant universities or ASCARR institution with accredited dairy economic programs, with two of these members being experts in the field of economics.

(C) At least one member shall represent the food and beverage retail sector.

(D) Four dairy producer and four dairy processors, appointed so as to balance geographical distribution of milk production and dairy processing, reflect all segments of dairy processing, and represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

(4) CHAIR.—The commission shall elect one of its appointed members to serve as chairperson for the duration of the commission's proceedings.

(5) VACANCY.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

(6) COMPENSATION.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary of Agriculture from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the commission.

(d) REPORT.—Not later than two years after the date of the first meeting of the commission, the commission shall submit to the Secretary of Agriculture and Congress a report setting forth the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (b) as the commission considers to be appropriate. The report findings shall reflect, to the extent practicable, a consensus opinion of the commission members, but the report may include majority and minority findings regarding those matters for which consensus was not reached.

(e) ADVISORY NATURE.—The commission is wholly advisory in nature, and the recommendations of the commission are non-binding.

(f) NO EFFECT ON EXISTING PROGRAMS.—The Secretary shall not allow the existence of the commission to impede, delay, or otherwise affect any decision making process of the Department of Agriculture, including any rulemaking procedures planned, proposed, or near completion.

(g) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide administrative support to the commission, and expend such funds as necessary from existing budget authority to carry out this responsibility.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(i) TERMINATION.—The commission shall terminate immediately after submission of the report under subsection (d).

Subtitle E—Administration

SEC. 1501. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'');

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) the notice and comment provisions of section 553 of title 5, United States Code.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under subtitles A through E that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)), as in effect on the date of enactment of this Act, will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

SEC. 1502. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2012:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled ''A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended'', approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2008 through 2012.

SEC. 1503. PAYMENT LIMITATIONS.

(a) EXTENSION AND REVISION OF LIMITATIONS.—

(1) EXTENSION.—Sections 1001 and 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–3(a)) are amended by striking ''Farm Security and Rural Investment Act of 2002'' each place it appears (other than in subsection (d)(1) of section 1001 of such Act) and inserting ''Farm, Nutrition, and Bioenergy Act of 2007''.

(2) COMBINATION OF LIMITS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b) and (c) and inserting the following new subsections:

''(b) LIMITATION ON DIRECT AND COUNTER-CYCLICAL PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

''(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or any legal entity (except a joint venture or a general partnership) in any crop year under subtitle A of title I of the Farm, Nutrition, and Bioenergy Act of 2007 for 1 or more covered commodities (except for peanuts) may not exceed $60,000.

''(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or any legal entity (except a joint venture or a general partnership in any crop year under subtitle A of title I of the Farm, Nutrition, and Bioenergy Act of 2007 for one or more covered commodities (except for peanuts) may not exceed $65,000.

''(c) LIMITATION ON DIRECT AND COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.—

''(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or any legal entity (except a joint venture or a general partnership) in any crop year under subtitle A of title I of the Farm, Nutrition, and Bioenergy Act of 2007 for peanuts may not exceed $60,000.

''(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or any legal entity (except a joint venture or a general partnership in any crop year under subtitle A of title I of the Farm, Nutrition, and Bioenergy Act of 2007 for peanuts may not exceed $65,000.''.

(b) DIRECT ATTRIBUTION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

''(2) LEGAL ENTITY.—The term 'legal entity' means an entity that is created under Federal or State law and that—

''(A) owns land or an agricultural commodity; or

''(B) produces an agricultural commodity.

''(3) PERSON.—The term 'person' means a natural person, and does not include a legal entity.'';

(2) by striking subsections (d) through (e) and inserting the following new subsections:

''(d) ATTRIBUTION OF PAYMENTS.—

''(1) IN GENERAL.—In implementing subsections (b) and (c), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive such payments.

''(2) PAYMENTS TO A PERSON.—Every payment made directly to a person shall be combined with the person's pro rata interest in payments received by a legal entity in which the person has a direct or indirect ownership interest.

''(3) PAYMENTS TO A LEGAL ENTITY.—

''(A) IN GENERAL.—Every payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity.

''(B) ATTRIBUTION OF PAYMENTS.—

''(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsections (b) and (c).

''(ii) EXCEPTION.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsections (b) and (c), the amount determined by multiplying the maximum payment amount specified in subsections (b) and (c) by the number of persons and legal entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

''(4) FOUR LEVELS OF ATTRIBUTION FOR EMBEDDED ENTITIES.—

''(A) IN GENERAL.—Attribution of payments made to legal entities shall be traced through four levels of ownership in entities.

''(B) FIRST LEVEL.—Any payments made to a legal entity (a first-tier entity) that is owned in whole or in part by a person shall be attributed to the person in an amount that represents the direct ownership in the first-tier entity by the person.

''(C) SECOND LEVEL.—Any payments made to a first-tier entity that is owned in whole or in part by another legal entity (a second-tier entity) shall be attributed to the second-tier entity in proportion to the second-tier entity's ownership in the first-tier entity. If the second-tier entity is owned in whole or in part by a person, the amount of the payment made to the first-tier entity shall be attributed to the person in the amount that represents the indirect ownership in the first-tier entity by the person.

''(D) THIRD AND FOURTH LEVELS.—The Secretary shall attribute payments at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C) unless the fourth-tier of ownership is that of a fourth-tier entity and not that of a person, in which case the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that represents the indirect ownership in the first-tier entity by the fourth-tier entity.

''(e) SPECIAL RULES.—

''(1) MINOR CHILDREN.—Payments received by a child under the age of 18 shall be attributed to the child's parents, except that the Secretary shall issue regulations which provide the conditions under which payments received by a child under the age of 18 will not be attributed to the child's parents.

''(2) MARKETING COOPERATIVES.—Subsections (b) and (c) shall not apply to a cooperative association of producers with respect to commodities produced by its members which are marketed by such association on behalf of its members but shall apply to such producers as persons.

''(3) TRUSTS AND ESTATES.—

''(A) IN GENERAL.—With respect to irrevocable trusts and estates, the Secretary shall administer the provisions of this subtitle in such manner as the Secretary determines will ensure that fair and equitable treatment of the beneficiaries of such trusts and estates.

''(B) IRREVOCABLE TRUST.—In order for a trust to be considered an irrevocable trust, the terms of the trust agreement must not allow for modification or termination of the trust by the grantor, allow for the grantor to have any future, contingent, or remainder interest in the corpus of the trust, or provide for the transfer of the corpus of the trust to the remainder beneficiary in less than 20 years from the date the trust is established except in cases where the transfer is contingent on the remainder beneficiary achieving at least the age of majority or is contingent on the death of the grantor or income beneficiary.

''(C) REVOCABLE TRUST.—A revocable trust shall be considered to be the same person as the grantor of the trust.

''(4) CASH RENT TENANTS.—

''(A) DEFINITION.—In this paragraph, the term 'cash rent tenant' means a person or legal entity that rents land—

''(i) for cash; or

''(ii) for a crop share guaranteed as to the amount of the commodity to be paid in rent.

''(B) RESTRICTION.—A cash rent tenant who makes a significant contribution of active personal management, but not of personal labor, with respect to a farming operation is eligible to receive a payment described in subsection (b) only if the tenant makes a significant contribution of equipment used in the farming operation.

''(5) FEDERAL AGENCIES.—

''(A) IN GENERAL.—Federal agencies shall not be eligible to receive any payment described in subsection (b) or (c).

''(B) RENTS LAND.—A person or legal entity that rents land owned by a Federal agency may receive such payments.

''(6) STATE AND LOCAL GOVERNMENTS.—

''(A) GOVERNMENTS INELIGIBLE.—

''(i) IN GENERAL.—Except as provided in subparagraphs (B) and (C), State and local governments and political subdivisions and agencies of such governments, shall not be eligible to receive payments described in subsections (b) and (c).

''(ii) TENANTS.—A person or legal entity that rents land owned by a State or local government or a political subdivision or agency of such government, may receive payments described in subsections (b) and (c) if they otherwise meet all applicable criteria.

''(B) EXCEPTION.—

''(i) IN GENERAL.—Within the limitation described in clause (ii), a State and the political subdivisions and agencies of such governments, may receive payments described in subsections (b) and (c), if the State or a political subdivision or agency of such government—

''(I) is the producer of all crops produced on a farm; and

''(II) the proceeds from the crop production are used to maintain a public school.

''(ii) LIMITATION.—For each State, the total amount of payments described in subsections (b) and (c) that are received collectively by the State and all political subdivisions or agencies of such governments shall not exceed the amounts that one legal entity may receive in one year as specified in subsections (b) and (c).

''(C) SHARE LEASES.—A State and the political subdivisions and agencies of such governments may, without regard to the provisions of subparagraph (B), receive payments described in subsections (b) and (c) if—

''(i) the payments are received with respect to land that is share leased to a private party;

''(ii) the lease was in effect on the date of enactment of the Farm, Nutrition, and Bioenergy Act of 2007; and

''(iii) the land is used to maintain a public school.

''(7) CHANGES IN FARMING OPERATIONS.—In the administration of this subtitle, the Secretary may not approve any change in a farming operation that otherwise will increase the number of persons to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive. The addition of a family member to a farming operation under the criteria set out in section 1001A shall be considered a bona fide and substantive change in the farming operation.

''(8) DENIAL OF PROGRAM BENEFITS.—

''(A) TWO YEAR DENIAL OF PAYMENT.—A person or legal entity shall be ineligible to receive payments specified in subsections (b) and (c) for that year, and the succeeding crop year, in which the Secretary determines that the person or entity engaged in an activity in which the primary purpose of the activity was to avoid the application of the provisions of this subtitle to the person, legal entity or any other person or legal entity.

''(B) EXTENDED INELIGIBILITY.—If the Secretary determines that a person or legal entity, for their benefit or the benefit of any other person or legal entity, has knowingly engaged in, or aided in the creation of fraudulent documents, failed to disclose material information relevant to the administration of this subtitle requested by the Secretary, or committed other equally serious actions as identified in regulations issued by the Secretary, the Secretary may for a period not to exceed five crop years deny the issuance of payments to the person or legal entity.

''(C) PRO RATA DENIAL.—Payments otherwise owed to a person or legal entity covered by subparagraphs (A) or (B) shall be denied in a pro rata manner based upon the ownership interest of the person or legal entity in a farm, and payments otherwise payable to the person or legal entity who is a cash rent tenant on a farm owned or under the control of such person or legal entity shall be denied.

''(9) DEATH OF OWNER.—In the event of a transfer of any ownership interest in land or a commodity as the result of the death of a program participant, the new owner of such land or commodity may, if such person is otherwise eligible to participate in the applicable program, succeed to the prior owner's contract and receive payments subject to this section without regard to the amount of payments received by the new owner. Payments made pursuant to this subsection shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.''.

(c) REPEAL OF THREE-ENTITY RULE.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) in the section heading, by striking ''prevention of creation of entities to qualify as separate persons''and inserting ''notification of interests''; and

(2) by striking subsection (a) and inserting the following new subsection:

''(a) NOTIFICATION OF INTERESTS.—To facilitate administration of sections 1001 and this section, each entity or person receiving payments described in subsections (b) and (c) of section 1001 as a separate person shall provide to the Secretary of Agriculture, at such times and in such manner as prescribed by the Secretary, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires an ownership interest in such separate person and shall provide such information regarding each entity in which such separate person holds an ownership interest.''.

(d) AMENDMENT FOR CONSISTENCY.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended by striking subsection (b) and inserting the following new subsections:

''(b) ACTIVELY ENGAGED.—

''(1) IN GENERAL.—To be eligible to receive a payment described in subsection (b) and (c) of section 1001, a person or legal entity must be actively engaged in farming as provided in this subsection or subsection (c).

''(2) CLASSES ACTIVELY ENGAGED.—Except as provided in subsections (c) and (d)—

''(A) a person, including a person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity as determined by the secretary, shall be considered to be actively engaged in farming with respect to a farm operation if—

''(i) the person makes a significant contribution (based on the total value of the farming operation) to the farming operation of—

''(I) capital, equipment, or land; and

''(II) personal labor or active personal management;

''(ii) the person's share of the profits or losses from the farming operation is commensurate with the contributions of the person to the farming operation; and

''(iii) the contributions of the person are at risk;

''(B) a legal entity that is a corporation, joint stock company, association, limited partnership, charitable organization, or other similar entity determined by the Secretary, including any such entity participating in the farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar entity as determined by the Secretary shall be considered as actively engaged in farming with respect to a farming operation if—

''(i) the entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

''(ii) the stockholders or members collectively make a significant contribution of personal labor or active personal management to the operation; and

''(iii) the standards provided in clauses (ii) and (iii) of paragraph (A), as applied to the entity, are met by the entity;

''(C) if a legal entity that is a general partnership, joint venture, or similar entity, as determined by the Secretary, separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, and the standards provided in clauses (ii) and (iii) of paragraph (A), as applied to the entity, are met by the entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

''(D) in making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

''(c) SPECIAL CLASSES ACTIVELY ENGAGED.—

''(1) LANDOWNER.—A person or legal entity that is a landowner contributing the owned land to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if the landowner receives rent or income for such use of the land based on the land's production or the operation's operating results, and the person or legal entity meets the standard provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(2) ADULT FAMILY MEMBER.—With respect to a farming operation when a majority of the participants are family members, an adult family member shall be considered to be actively engaged in farming with respect to the farming operation if the person—

''(A) makes a significant contribution, based on the total value of the farming operation, of active personal management or personal labor; and

''(B) such contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(3) SHARECROPPER.—A sharecropper who makes a significant contribution of personal labor to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if such contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(4) GROWERS OF HYBRID SEED.—In determining whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

''(5) CUSTOM FARMING SERVICES.—A person or legal entity receiving custom farming services will be considered separately eligible for payment limitation purposes if such person or legal entity is actively engaged in farming based on subsection (b)(2) or paragraphs (1) through (5) of this subsection. No other rules with respect to custom farming shall apply in making a determination under this section.

''(6) SPOUSE.—Where one spouse is determined to be actively engaged, the other spouse shall be determined to have met the requirements of subclause (II) of subsection (b)(2)(A)(i) of this section.

''(d) CLASSES NOT ACTIVELY ENGAGED.—

''(1) CASH RENT LANDLORD.—A landlord contributing land to a farming operation shall not be considered to be actively engaged in farming with respect to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for such use of the land.

''(2) OTHER PERSONS.—Any other person determined by the Secretary as failing to meet the standards set out in subsections (b)(2) and (c) shall not be considered to be actively engaged in farming with respect to a farming operation.''.

(e) TRANSITION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the 2007 crop of any covered commodity.

SEC. 1504. ADJUSTED GROSS INCOME LIMITATION.

(a) EXTENSION OF ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended—

(1) in subsection (b)(2), by striking ''Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''Farm, Nutrition, and Bioenergy Act of 2007''; and

(2) in subsection (e), by striking ''2007'' and inserting ''2012''.

(b) MODIFICATION OF LIMITATION.—Section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) CAPS.—

''(A) UPPER LIMIT.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year if the average adjusted gross income of the individual or entity exceeds $1,000,000.

''(B) PRODUCER EXEMPTION.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year if the average adjusted gross income of the individual or entity exceeds $500,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.'';

(2) in paragraph (2)(A), by striking ''or C''; and

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

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from the following:

''(A) The production of crops, livestock, or unfinished raw forestry products.

''(B) The sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water rights.

''(C) The sale, but not as a dealer, of equipment purchased to conduct farm, ranch, or forestry operations when the equipment is otherwise subject to depreciation expense.

''(D) The rental of land used for farming, ranching, or forestry operations.

''(E) The provision of production inputs and services to farmers, ranchers, and foresters.

''(F) The processing, storing, and transporting of farm, ranch, and forestry commodities.

''(G) The sale of land that has been used for agriculture.''.

SEC. 1505. ADJUSTMENTS OF LOANS.

Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) is amended—

(1) in subsection (a), by inserting ''(except for cotton and long grain, medium grain, and short grain rice)'' after ''commodity'';

(2) in subsection (b), by striking ''Farm Security and Rural Investment Act of 2002'' and inserting ''Farm, Nutrition, and Bioenergy Act of 2007''; and

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

''(d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

''(1) ADJUSTMENT AUTHORITY.—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

''(2) REVISIONS TO QUALITY ADJUSTMENTS FOR UPLAND COTTON.—

''(A) REVISION.—Within 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary, after consultation with the private sector as provided in paragraph (3), shall implement revisions in the administration of the marketing assistance loan program for upland cotton to more accurately and efficiently reflect market values for upland cotton.

''(B) MANDATORY REVISIONS.—The revisions required under subparagraph (A) shall include the following:

''(i) The elimination or adjustment of warehouse location differentials to reflect market conditions.

''(ii) The establishment of differentials for the various quality factors and staple lengths of cotton based on a three-year, weighted moving average of the weighted designated spot market regions as determined by regional production.

''(iii) The elimination of any artificial split in the premium or discount between upland cotton with a 32 or 33 staple length due to micronaire;

''(iv) A mechanism to ensure that no premium or discount is established that exceeds the premium or discount associated with a leaf grade that is one better than the applicable color grade.

''(C) DISCRETIONARY REVISIONS.—The revisions under subparagraph (A) may include, at a minimum, the following:

''(i) The use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection.

''(ii) Adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of such premiums or discounts.

''(iii) Such other adjustments determined appropriate by the Secretary, after consultations conducted in accordance with paragraph (3).

''(3) CONSULTATION WITH PRIVATE SECTOR.—

''(A) PRIOR TO REVISION.—Prior to implementing any revisions to the administration of the marketing assistance loan program for upland cotton, the Secretary should endeavor to consult with an existing private sector committee whose membership includes representatives of the production, ginning, warehousing, cooperative, and merchandising segments of the United States cotton industry and that has developed recommendations concerning such revisions.

''(B) UPON REVIEW.—The Secretary shall also consult with the committee referred to in subparagraph (A) when conducting a review of adjustments in the operation of the loan program as provided in paragraph (4).

''(C) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this paragraph with the committee referred to in subparagraph (A).

''(4) REVIEW OF ADJUSTMENTS.—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further revisions to the administration of the loan program, by either revoking or revising the actions taken pursuant to paragraph (2)(B) or by revoking or revising any actions taken or authorized to be taken under paragraph (2)(B).

''(5) ADJUSTMENTS IN EFFECT PRIOR TO REVISION.—The quality differences (premiums and discounts for quality factors) applicable to the upland cotton loan program (prior to any revisions in accordance with this subsection) shall be established by the Secretary by giving equal weight—

''(A) to loan differences for the preceding crop; and

''(B) to market differences for such crop in the designated United States spot markets.

''(e) RICE LIMITATION.—With respect to long grain rice and medium and short grain rice, the Secretary shall not make adjustments in the loan rates for such commodities, except for differences in grade and quality (including milling yields).''.

SEC. 1506. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking ''Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''Farm, Nutrition, and Bioenergy Act of 2007''.

SEC. 1507. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended in subsections (a) and (c)(1) by striking ''subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''subtitle B of title I of the Farm, Nutrition, and Bioenergy Act of 2007''.

SEC. 1508. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under the authority of this title.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1509. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary shall track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1510. UPLAND COTTON STORAGE PAYMENTS.

Beginning with the 2012 crop of upland cotton, the Secretary may not use the funds of the Commodity Credit Corporation to pay storage, handling, and other costs associated with the storage of upland cotton for which a marketing assistance loan is made under section 1201.

SEC. 1511. GOVERNMENT PUBLICATION OF COTTON PRICE FORECASTS.

Section 15 of the Agricultural Marketing Act (12 U.S.C. 1141j) is amended by striking subsection (d).

TITLE II—CONSERVATION

Subtitle A—Conservation Programs of the Food Security Act of 1985

Sec. 2101. Conservation reserve program.
Sec. 2102. Wetlands reserve program.
Sec. 2103. Conservation security program.
Sec. 2104. Grassland reserve program.
Sec. 2105. Environmental quality incentives program.
Sec. 2106. Regional water enhancement program.
Sec. 2107. Grassroots source water protection program.
Sec. 2108. Conservation of private grazing land.
Sec. 2109. Great Lakes basin program for soil erosion and sediment control.
Sec. 2110. Farm and ranchland protection program.
Sec. 2111. Farm viability program.
Sec. 2112. Wildlife habitat incentive program.

Subtitle B—Conservation Programs Under Other Laws

Sec. 2201. Agricultural management assistance program.
Sec. 2202. Resource Conservation and Development Program.
Sec. 2203. Small watershed rehabilitation program.

Subtitle C—Additional Conservation Programs

Sec. 2301. Chesapeake Bay program for nutrient reduction and sediment control.
Sec. 2302. Voluntary public access and habitat incentive program.

Subtitle D—Administration and Funding

Sec. 2401. Funding of conservation programs under Food Security Act of 1985.
Sec. 2402. Improved provision of technical assistance under conservation programs.
Sec. 2403. Cooperative conservation partnership initiative.
Sec. 2404. Regional equity and flexibility.
Sec. 2405. Administrative requirements for conservation programs.
Sec. 2406. Annual report on participation by specialty crop producers in conservation programs.
Sec. 2407. Promotion of market-based approaches to conservation.
Sec. 2408. Establishment of State technical committees and their responsibilities.
Sec. 2409. Payment limitations.

Subtitle E—Miscellaneous Provisions

Sec. 2501. Inclusion of income from affiliated packing and handling operations as income derived from farming for application of adjusted gross income limitation on eligibility for conservation programs.
Sec. 2502. Encouragement of voluntary sustainability practices guidelines.
Sec. 2503. Farmland resource information.

Subtitle A—Conservation Programs of the Food Security Act of 1985

SEC. 2101. CONSERVATION RESERVE PROGRAM.

(a) AUTHORIZATION AND ELIGIBLE LAND.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a)—

(A) by striking ''2007'' and inserting ''2012''; and

(B) by inserting before the period the following: ''and to address issues raised by State, regional, and national conservation initiatives''; and

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking ''the Farm Security and Rural Investment Act of 2002'' and inserting ''the Farm, Nutrition, and Bioenergy Act of 2007''; and

(ii) by striking the period at the end and inserting a semicolon; and

(B) in paragraph (4), by striking the semicolon at the end of subparagraph (E) and inserting ''; or''.

(b) MAXIMUM ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended by striking ''2007'' and inserting ''2012''.

(c) CONSERVATION PRIORITY AREAS.—Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended by striking ''the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia)'' and inserting ''the Chesapeake Bay Region''.

(d) TREATMENT OF MULTI-YEAR GRASSES AND LEGUMES.—Subsection (g) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

''(g) MULTI-YEAR GRASSES AND LEGUMES.—

''(1) IN GENERAL.—For purposes of this subchapter, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.

''(2) CROPPING HISTORY.—Alfalfa, when grown as part of a rotation practice, as determined by the Secretary, is an agricultural commodity subject to the cropping history criteria under subsection (b)(1)(B) for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years referred to in such subsection.''.

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231(h)(1)(A) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(1)(A)) is amended by striking ''2007'' and inserting ''2012''.

(f) MANAGED HAYING AND GRAZING.—Section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''and prescribed grazing for the control of invasive species'' after ''biomass''; and

(B) by striking ''and'' at the end of the subparagraph;

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) managed grazing during the year, except that in permitting such grazing, the Secretary shall—

''(i) reduce the rental payment otherwise payable under the contract by a percentage determined by the Secretary to be appropriate; and

''(ii) require a management plan, including a grazing rate, approved by the Secretary that is consistent with section 1231(a);

''(C) dryland crop production and grazing practices on acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965) where the conservation reserve enhancement program is initiated to address declining groundwater or surface water resources and water quality issues associated with declining groundwater or surface water resources and the conservation reserve enhancement contract requires the owner or operator to retire a water right, except that in permitting dryland crop production and grazing, the Secretary shall—

''(i) develop an appropriate working lands conservation plan that implements conservation practices suitable to the region to address soil conservation, water quality, wildlife habitat, or other environmental benefits;

''(ii) apply the provisions of section 11005 of the Farm, Nutrition, and Bioenergy Act of 2007 in determining the eligibility for crop insurance of dryland crop production and grazing activities allowed under a conservation reserve enhancement contract for the purposes of this section, dryland crop production and grazing activities allowed under a conservation reserve enhancement contract shall be considered 'noncropland' in applying the provisions of section 11005 of the Farm, Nutrition, and Bioenergy Act of 2007;

''(iii) reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the crop production or grazing activity, while still leaving sufficient financial incentives for the owner or operator to participate in the conservation reserve enhancement; and

''(iv) at the request of a State that has previously entered into a conservation reserve enhancement program agreement, renegotiate the agreement to allow for the dryland crop production and grazing in accordance with this section; and''.

(g) RENTAL RATES.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

''(5) COUNTY AVERAGE MARKET DRY-LAND AND IRRIGATED CASH RENTAL RATES.—

''(A) ANNUAL ESTIMATES.—Beginning not later than one year after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the National Agricultural Statistics Service shall conduct an annual survey of per acre estimates of county average market dry-land and irrigated cash rental rates for cropland and pastureland in all counties or equivalent subdivisions within each State with 20,000 acres or more of cropland and pastureland.

''(B) PUBLIC AVAILABILITY OF ESTIMATES.—The estimates derived as a result of the annual survey conducted under subparagraph (A) shall be maintained on a website of the Department of Agriculture for use by the general public.

''(C) FUNDING.—Funds to conduct the annual survey required by subparagraph (A) shall come from funds made available for the conservation reserve program under this subchapter.''.

(h) CONSERVATION RESERVE PROGRAM TRANSITION INCENTIVES.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended—

(1) in subsection (c)(1)(B)—

(A) in clause (ii), by striking ''or'' at the end;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause:

''(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods; or''; and

(2) by adding at the end the following new subsection:

''(f) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—

''(1) DUTIES OF THE SECRETARY.—In the case of a contract modification approved in order to facilitate the transfer of land subject to a contract from a retired or retiring owner or operator under subsection (c)(1)(B)(iii) to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher (in this subsection referred to as a 'covered farmer or rancher') the Secretary shall—

''(A) beginning on the date that is 1 year before the date of termination of the contract—

''(i) allow the covered farmer or rancher, in conjunction with the retired or retiring owner or operator, to make conservation and land improvements; and

''(ii) allow the covered farmer or rancher, at the election of the covered farmer or rancher, to begin the certification process under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

''(B) beginning on the date of termination of the contract, require the retired or retiring owner or operator to sell or lease (under a long-term lease or a lease with an option to purchase) to the covered farmer or rancher the land subject to the contract for production purposes;

''(C) require the covered farmer or rancher to develop and implement a comprehensive conservation plan that meets such sustainability criteria as the Secretary may establish;

''(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation security program or the environmental quality incentives program by not later than the date on which the farmer or rancher takes possession of the land through ownership or lease; and

''(E) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, if the retired or retiring owner or operator is not a family member (as defined in section 1001A(b)(3)(B) of this Act) of the covered farmer or rancher.

''(2) REENROLLMENT.—The Secretary shall provide to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher described in paragraph (1) the option to reenroll any applicable partial field conservation practice that is—

''(A) eligible for enrollment under the continuous signup requirement of section 1231(h)(4)(B); and

''(B) part of an approved comprehensive conservation plan.''.

(i) EARLY TERMINATION.—Section 1235(e)(1) of the Food Security Act of 1985 (16 U.S.C. 3835(e)(1)) is amended by striking ''before January 1, 1995,''.

SEC. 2102. WETLANDS RESERVE PROGRAM.

(a) ESTABLISHMENT AND PURPOSE.—Subsection (a) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

''(a) ESTABLISHMENT AND PURPOSES.—

''(1) ESTABLISHMENT.—The Secretary shall establish a wetlands reserve program to assist owners of eligible lands in restoring and protecting wetlands.

''(2) PURPOSES.—The purposes of the wetlands reserve program are—

''(A) to restore, to create, to protect, or to enhance wetlands on lands that are eligible under subsections (c) and (d); and

''(B) to authorize the Secretary, at the sole discretion of the Secretary, to purchase flood-plain easements.''.

(b) MAXIMUM ENROLLMENT.—Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 3,605,000 acres.''; and

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

''(3) ANNUAL ENROLLMENT GOAL.—Of the total number of acres authorized by paragraph (1), to the maximum extent practicable, the Secretary shall enroll 250,000 acres in each fiscal year.

''(4) FLOOD-PLAIN EASEMENTS.—Of the acres to be enrolled each fiscal year, not more than 10,000 acres may be enrolled using flood-plain easements.''.

(c) ELIGIBLE LANDS.—Subsection (c) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

''(c) ELIGIBILITY.—For purposes of enrolling land into the wetland reserve program established under this subchapter during the 2008 through 2012 fiscal years, land shall be eligible

to be placed into such reserve if the Secretary determines that—

''(1) in the case of wetlands—

''(A) the land maximizes wetland values and functions and wildlife benefits;

''(B) the land is farmed wetland or converted wetland, together with adjacent lands that are functionally dependent on such wetlands, except that converted wetlands where the conversion was not commenced prior to December 23, 1985, shall not be eligible to be enrolled in the program under this section;

''(C) the likelihood of the successful restoration of such land, and the resultant wetland values, merit inclusion of the land into the program taking into consideration the cost of such restoration; and

''(D) the land consists of riparian areas, including areas that link wetlands that are protected by easements or some other device or circumstance that achieves the same purpose as an easement; or

''(2) in the case of flood-plain lands—

''(A) the flood-plain land has been damaged by flooding at least once within the previous calendar year, or has been subject to flood damage at least twice within the previous 10 years; or

''(B) the enrollment of other land within the flood plain would contribute to the restoration of the flood storage and flow or erosion control.''.

(d) INELIGIBLE LANDS.—Subsection (e) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

''(e) INELIGIBLE LAND.—The Secretary may not acquire easements on—

''(1) in the case of wetlands—

''(A) land that contains timber stands established under the conservation reserve under subchapter B; or

''(B) pasture land established to trees under the conservation reserve under subchapter B; or

''(2) in the case of flood-plain lands—

''(A) land on which implementation of restoration practices would not be productive; or

''(B) land that is subject to an existing easement or deed restriction, and the easement or deed provides sufficient protection or restoration of the flood plain's functions and values, as determined by the Secretary.''.

(e) EASEMENTS AND AGREEMENTS.—Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended—

(1) in subsection (a)(2), by inserting ''if applicable,'' after ''(2)'';

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting ''or flood-plain land'' after ''values of wetland'';

(B) in paragraph (1)(B), by inserting ''or flood-plain land'' after ''wetland''; and

(C) in paragraph (3), by inserting ''or flood-plain lands'' after ''wetlands'';

(3) in subsection (f)—

(A) by striking ''Compensation for'' in the first sentence and inserting the following:

''(1) COMPENSATION PROVIDED; AMOUNT.—Compensation for''; and

(B) by adding at the end the following new paragraph:

''(2) METHOD FOR DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of land under paragraph (1) based on the option specified in subparagraph (A), (B), (C), or (D) that results in the lowest amount of compensation to be paid by the Secretary:

''(A) A percentage of the fair market value based on the Uniform Standards for Professional Appraisals Procedures, as determined by the Secretary.

''(B) A percentage of the market value determined by an area wide market survey.

''(C) A geographic cap, prescribed in regulations issued by the Secretary.

''(D) The offer made by the owner of the land.''; and

(4) by adding at the end the following new subsection:

''(h) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary may accept and use contributions of non-Federal funds to administer the program under this subchapter.''.

(f) DUTIES OF THE SECRETARY.—Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''including necessary maitenance activities,'' after ''values,''; and

(B) by inserting ''or flood plains land'' after ''wetland''; and

(2) by striking subsection (c) and inserting the following new subsection:

''(c) RANKING OF OFFERS.—

''(1) IN GENERAL.—When evaluating offers from landowners, the Secretary may consider—

''(A) the conservation benefits of obtaining an easement or other interest in the land;

''(B) the cost-effectiveness of each easement or other interest in eligible land, so as to maximize the environmental benefits per dollar expended; and

''(C) whether the landowner or another person is offering to contribute financially to the cost of the easement or other interest in the land to leverage Federal funds.

''(2) CONSERVATION BENEFITS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

''(A) in the case of wetlands—

''(i) the extent to which the purposes of the easement program would be achieved on the land;

''(ii) the productivity of the land; and

''(iii) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities; and

''(B) in the case of flood-plain lands—

''(i) the extent to which the purposes of the easement program would be achieved on the land;

''(ii) whether the land has been repeatedly flooded over the last ten years;

''(iii) the extent to which an easement on the flood-plain land would contribute to the restoration or management of land in the area surrounding the flood-plain land; and

''(iv) other factors, as determined by the Secretary.''.

(g) WETLANDS RESERVE ENHANCEMENT.—Section 1237D(c) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)) is amended by striking paragraph (4) and inserting the following new paragraph:

''(4) WETLANDS RESERVE ENHANCEMENT.—

''(A) IN GENERAL.—The provisions of this subchapter that limit payments to any person, and section 1305(d) of the Agricultural Reconciliation Act of 1987 (Public Law 100–203; 7 U.S.C. 1308 note), shall not apply to payments received by a State, political subdivision, or agency thereof in connection with agreements entered into under a special wetlands reserve enhancement program carried out by that entity that has been approved by the Secretary.

''(B) AGREEMENTS.—The Secretary may enter into agreements with States (including political subdivisions and agencies of States) regarding payments described in subparagraph (A) that the Secretary determines will advance the purposes of this subchapter.''.

(h) AUTHORIZATION.—The Food Security Act of 1985 is amended by inserting after section 1237F (16 U.S.C. 3837f) the following new section:

''SEC. 1237G. PERIOD OF AUTHORIZATION.

''This subchapter is authorized to be carried out for the 2008 through 2012 fiscal years.''.

SEC. 2103. CONSERVATION SECURITY PROGRAM.

(a) ESTABLISHMENT OF NEW CONSERVATION SECURITY PROGRAM THROUGH 2017.—Subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.) is amended to read as follows:

''Subchapter A—Conservation Security Program

''SEC. 1238. DEFINITIONS.

''In this subchapter:

''(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term under section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

''(2) CONSERVATION PLAN.—The term 'conservation plan' means a plan that—

''(A) identifies resources of concern, inventories resources, and establishes benchmark data and stewardship enhancement objectives;

''(B) describes improvements that will enable the producer to meet and exceed the stewardship threshold for all applicable resources of concern; and

''(C) contains a schedule and evaluation plan for the planning, installing, maintaining, and managing new conservation practices, activities, and management measures and maintaining, managing, and improving existing conservation practices, activities, and management measures.

''(3) CONSERVATION PRACTICE.—The term 'conservation practice' means a site-specific land management practice or activity, or a supporting structural practice, that is part of an implemented management system designed to address a priority resource of concern.

''(4) CONSERVATION SECURITY CONTRACT.—The term 'conservation security contract' means a contract entered into under this subchapter.

''(5) CONSERVATION SECURITY PROGRAM.—The term 'conservation security program' means the program established under section 1238A(a).

''(6) MANAGEMENT INTENSITY.— The term 'management intensity' means the degree, scope, and comprehensiveness of conservation practices, activities, or management measures taken by a producer to address a priority resource of concern to a level exceeding the stewardship threshold.

''(7) NONDEGRADATION STANDARD.—The term 'nondegradation standard' means the level of natural resource conservation and environmental management measures required to improve and sustain the status and condition of natural and environmental resources to a level that, as determined by the Secretary—

''(A) prevents impairment of soil, water, and air quality and the quality of fish and wildlife habitat; and

''(B) sustains the long-term productivity of agricultural resources.

''(8) PRIORITY RESOURCE OF CONCERN.—The term 'priority resource of concern' means a resource of concern identified by the Secretary, consistent with the requirements of section 1238C(a), that must be addressed by participants in the conservation security program in a particular watershed or other area within that State.

''(9) PRODUCER.—The term 'producer' means an owner, operator, landlord, tenant, or sharecropper that—

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

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

''(10) RESOURCE-SPECIFIC INDEX.—The term 'resource-specific index' means an index of management intensity or other similar index, developed by the Secretary, that estimates the expected level of resource and environmental outcomes of the conservation practices, activities, and management measures employed by a producer.

''(11) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term under section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

''(12) STRUCTURAL PRACTICE.—The term 'structural practice' means a site-specific, constructed conservation practice that is integrated

with and essential to the successful implementation of the system of land management practices and activities that are the basis of a conservation security contract.

"SEC. 1238A. CONSERVATION SECURITY PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish, and for each of fiscal years 2012 through 2017, carry out a conservation security program to assist producers in improving environmental quality by addressing priority resources of concern in a comprehensive manner.

''(b) ELIGIBLE PRODUCERS.—To be eligible to participate in the conservation security program, a producer shall—

''(1) demonstrate that the producer is addressing at least one priority resource of concern to a minimum level of management intensity determined by the Secretary; and

''(2) develop and submit to the Secretary, and obtain the approval of the Secretary of, a conservation offer.

''(c) ELIGIBLE LAND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), private agricultural land (including cropland, grassland, prairie land, improved pasture land, forest land and rangeland) and land under the jurisdiction of an Indian tribe (as defined by the Secretary) shall be eligible for enrollment in the conservation security program.

''(2) EXCLUSIONS.—

''(A) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Except as provided in subsection (f)(3)(A), the following lands are not eligible for enrollment in the conservation security program:

''(i) Lands enrolled in the conservation reserve program under subchapter B of chapter 1.

''(ii) Land enrolled in the wetlands reserve program established under subchapter C of chapter 1.

''(iii) Land enrolled in the grassland reserve program established under subchapter C of chapter 2.

''(B) CONVERSION TO CROPLAND.—Land used for crop production after October 1, 2011, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date (except for land enrolled in the conservation reserve program or that has been maintained using long-term crop rotation practices, as determined by the Secretary) shall not be the basis for any payment under the conservation security program.

''(d) ECONOMIC USES.—With respect to eligible land covered by a conservation security contract, the Secretary shall permit economic uses of the land that—

''(1) maintain the agricultural nature of the land; and

''(2) are consistent with the conservation purposes of the conservation security program.

''(e) CONSERVATION SECURITY CONTRACTS.—

''(1) IN GENERAL.—After a determination that a producer is eligible for the conservation security program, and on approval of the conservation offer of the producer, the Secretary shall enter into a conservation security contract with the producer to enroll the land to be covered by the contract in the conservation security program.

''(2) TERM.—A conservation security contract shall be for a term of 5 years.

''(3) AGRICULTURAL OPERATION.—All the acres of the agricultural operation that are under the producer's effective control at the time the producer enters into a conservation security contract shall be covered by the conservation security contract.

''(4) PROVISIONS.—The conservation security contract of a producer shall—

''(A) include a conservation plan approved by the Secretary;

''(B) describe the land covered by the conservation security contract;

''(C) state the amount of the stewardship enhancement payment the Secretary agrees to make to the producer each year of the conservation security contract under section 1238C(c);

''(D) describe the new conservation practices and activities the producer is required to implement during the term of the conservation security contract in order to increase the level of management intensity with which the producer addresses a priority resource of concern or priority resources of concern, as designated by the Secretary under section 1238C(a)(1); and

''(E) include such other provisions as the Secretary determines necessary to ensure the conservation purposes of the conservation security program are met.

''(5) ON-FARM RESEARCH AND DEMONSTRATION OR PILOT TESTING.—The Secretary may approve a conservation security contract that includes—

''(A) on-farm conservation research and demonstration activities; and

''(B) pilot testing of new technologies or innovative conservation practices.

''(f) MODIFICATION.—The Secretary may allow a producer to modify a conservation security contract before the expiration of the contract if the Secretary determines that failure to modify the contract would significantly interfere with achieving the purposes of the conservation security program.

''(g) CONTRACT TERMINATION.—

''(1) VOLUNTARY TERMINATION.—A producer may terminate a conservation security contract if the Secretary determines that termination of the contract would not defeat the purposes of the conservation plan of the producer.

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

''(3) TRANSFER OR CHANGE OF INTEREST IN LAND SUBJECT TO CONSERVATION SECURITY CONTRACT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the transfer, or change in the interest, of a producer in land subject to a conservation security contract shall result in the termination of the conservation security contract.

''(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if, within a reasonable period of time after the date of the transfer or change in the interest in land, the transferee of the land provides written notice to the Secretary that all duties and rights under the conservation security contract have been transferred to, and assumed by, the transferee. The Secretary shall specify what will be considered a reasonable period of time for purposes of providing the notification required by this subparagraph.

''(h) CONTRACT RENEWAL.—At the end of an initial conservation security contract of a producer, the Secretary may allow the producer to renew the contract for one additional five-year period if the producer—

''(1) demonstrates compliance with the terms of the existing contract, including a demonstration that the producer has complied with the schedule for the implementation of new practices and activities included in the conservation security contract and has met the stated goals for increasing the level of management intensity with which the producer is addressing the designated priority resource of concern or priority resources of concern; and

''(2) agrees to implement and maintain such additional new conservation practices and activities as the Secretary determines necessary and feasible to achieve higher levels of management intensity with which the producer addresses the designated priority resource of concern or priority resources of concern.

''(i) EFFECT OF NONCOMPLIANCE DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF PRODUCERS.—The Secretary shall include in the conservation security contract a provision to ensure that a producer shall not be considered in violation of a conservation security contract for failure to comply with the conservation security contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary.

''(j) EVALUATION OF OFFERS.—In evaluating applications by producers to enroll in the conservation security program, the Secretary shall—

''(1) consider the extent to which the anticipated environmental benefits from the contract are provided at least cost relative to other similar activities;

''(2) consider the extent to which the producer proposes to increase the level of performance on applicable resource-specific indices or the level of management intensity with which the producer addresses the designated priority resources of concern;

''(3) consider the extent to which the environmental benefits expected to result from the contract complements other conservation efforts in the watershed or region;

''(4) consider the multiple benefits of conservation-based farming systems, including resource-conservation crop rotations, managed rotational grazing, and the adoption of certified production under the national organic production program under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.); and

''(5) develop any additional criteria for evaluating applications that the Secretary determines are necessary to ensure that national, State, and local conservation priorities are effectively addressed.

''(k) COORDINATION WITH ORGANIC CERTIFICATION.—Within 90 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary shall establish a transparent and producer-friendly means by which producers may coordinate and simultaneously certify eligibly under a conservation security contract and under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.).

"SEC. 1238B. DUTIES OF PRODUCERS.

''(a) AGREEMENT BY PRODUCER.—Under a conservation security contract, a producer shall agree—

''(1) to implement during the term of the conservation security contract the conservation plan approved by the Secretary;

''(2) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records showing the effective and timely implementation of the conservation security contract; and

''(3) not to engage in any activity during the term of the conservation security contract that would interfere with the purposes of the conservation security program.

''(b) EFFECT OF VIOLATION.—On the violation of a term or condition of the conservation security contract of a producer—

''(1) if the Secretary determines that the violation warrants termination of the conservation security contract, the producer shall—

''(A) forfeit all rights to receive payments under the conservation security contract; and

''(B) refund to the Secretary all or a portion of the payments received by the producer under the conservation security contract, including any advance payments and interest on the payments, as determined by the Secretary;

''(2) if the Secretary determines that the violation does not warrant termination of the conservation security contract, the producer shall refund to the Secretary, or accept adjustments to, the payments provided to the producer, as the Secretary determines to be appropriate; or

''(3) some combination of the remedies authorized by paragraphs (1) and (2), as determined by the Secretary to be appropriate.

"SEC. 1238C. DUTIES OF THE SECRETARY.

''(a) IDENTIFICATION OF PRIORITY RESOURCES OF CONCERN.—

''(1) IDENTIFICATION AT STATE LEVEL.—The Secretary shall ensure that the identification of

priority resources of concern is made at the State level so that each priority resource of concern—

''(A) represents a significant environmental concern, including watershed management or wildlife habitat, in the State to which agricultural activities are contributing; and

''(B) is likely to be addressed successfully through the implementation of conservation practices and other activities by producers.

''(2) LIMITATION.—The Secretary shall identify not more than 5 resources of concern as priority resources of concern in a particular watershed or other appropriate region or area within a State.

''(3) ADVICE AND CONSULTATION.—The Secretary, with the advice of the appropriate State technical committee and in consultation with Federal and State agencies with expertise related to natural resources and environmental quality, shall designate, to the extent practicable, each priority resource of concern identified under paragraph (1) as either a primary, secondary, or tertiary resource of concern.

''(b) DEVELOPMENT OF RESOURCE-SPECIFIC INDICES.—The Secretary shall develop resource-specific indices to measure the management intensity with which specific resources of concern are addressed, for purposes of determining eligibility and payments for participants in the conservation security program.

''(c) STEWARDSHIP ENHANCEMENT PAYMENT.—

''(1) TIMING OF PAYMENT.—The Secretary shall make a payment under a conservation security contract as soon as practicable after October 1 of each fiscal year.

''(2) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

''(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

''(B) conservation practices and activities for which there is no net cost or loss of income to the producer, as determined by the Secretary.

''(3) AVAILABILITY OF PAYMENTS.—The Secretary shall provide a stewardship enhancement payment to a producer under a conservation security contract to compensate the producer for—

''(A) ongoing implementation and maintenance of conservation practices, activities, and management measures in place on the producers operation at the time the conservation security contract is accepted; and

''(B) installation and adoption of new conservation practices, activities, and management measures or improvements to conservation practices, activities, and management measures in place on the producer's operation, as required by the conservation security contract.

''(4) PAYMENT AMOUNT.—The amount of the stewardship enhancement payment shall be determined by the Secretary and shall be based, to the maximum extent feasible, on—

''(A) a portion of the actual costs incurred by the producer; and

''(B) the income forgone by the producer; and

''(C) resource-specific indices, in any case in which such indices have been developed and implemented..

''(d) PAYMENT LIMITATIONS.—An individual or entity may not receive, directly or indirectly, payments under a conservation security contract that, in the aggregate, exceed $150,000 for the 5-year term of the conservation security contract, excluding funding arrangements with federally recognized Indian Tribes or Alaska Native Corporations.

''(e) REGULATIONS.—The Secretary shall promulgate regulations that—

''(1) provide for adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing payments, on a fair and equitable basis; and

''(2) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (d).

''(f) ALLOCATION TO STATES.—When making allocations to States of funds made available to carry out the conservation security program, the Secretary shall give significant consideration to the extent and magnitude of the environmental needs associated with agricultural production in each State, the degree to which implementation of the conservation security program in the State is, or will be, effective in helping producers address these needs, and other considerations to achieve equitable geographic distributions of funds, as determined by the Secretary.

''(g) TECHNICAL ASSISTANCE.—For each of fiscal years 2008 through 2017, the Secretary shall provide appropriate technical assistance to producers for the development and implementation of conservation security contracts, in an amount not to exceed 15 percent of the amounts expended for the fiscal year.

''(h) DATA.—The Secretary shall maintain conservation security program contract and payment data in a manner that provides detailed and segmented data that allows for quantification of the amount of payments made to producers for—

''(1) the maintenance of conservation practices, activities, and management measures in place on the producer's operation at the time the conservation security offer is accepted by the Secretary;

''(2) the installation and adoption of new conservation practices, activities, and management measures and the improvements to conservation practices, activities, and management measures in place on the producer's operation at the time the conservation security offer is accepted by the Secretary;

''(3) participation in research, demonstration, and pilot projects; and

''(4) the development and periodic assessment and evaluation of comprehensive conservation plans.''.

(b) EFFECT ON EXISTING CONSERVATION SECURITY CONTRACTS.—Subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.), as in effect on the day before the date of the enactment of this Act, shall continue to apply to conservation security contracts entered into before October 1, 2007. The Secretary of Agriculture may continue to make payments under such subchapter, as so in effect, with respect to such a conservation security contracts during the term of the contract.

(c) PROHIBITION ON NEW CONTRACTS.—A conservation security contract may not be entered into or renewed under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.), as in effect on the day before the date of the enactment of this Act, after September 30, 2007.

SEC. 2104. GRASSLAND RESERVE PROGRAM.

(a) ENROLLMENT PRIORITY.—Subsection (b) of section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) PRIORITY FOR LONG-TERM AGREEMENTS AND EASEMENTS.—Of the total number of acres enrolled in the program at any one time through the methods described in paragraph (2)(A), the Secretary shall ensure that at least 60 percent of the acres were enrolled through the use of 30-year rental agreements and permanent and long-term easements described in clause (ii) of such paragraph.''.

(b) ENROLLMENT OF ACREAGE.—Subsection (b) of section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) ENROLLMENT.—The Secretary shall enroll an additional 1,000,000 acres of restored or improved grassland, rangeland, and pastureland in the grassland reserve program during fiscal years 2008 through 2012.''.

(c) ENROLLMENT OF CONSERVATION RESERVE PROGRAM LAND.—Section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by adding at the end the following new subsections:

''(d) ENROLLMENT OF CONSERVATION RESERVE PROGRAM LAND.—

''(1) ENROLLMENT AUTHORIZED.—Subject to the eligibility requirements of subsection (c) and all other requirements of this subchapter, land enrolled in the conservation reserve program may be enrolled in the grassland reserve program if the Secretary determines that the land is of high ecological value and under significant threat of conversion to other uses.

''(2) MAXIMUM ENROLLMENT.—The number of acres of conservation reserve program land enrolled under this subsection in a calendar year shall not exceed 10 percent of the total number of acres enrolled in the grassland reserve program in that calendar year.

''(3) PROHIBITION ON DUPLICATION OF PAYMENTS.—Land enrolled in the program under this subsection shall no longer be eligible for payments under the conservation reserve program.

''(e) METHOD FOR DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of land to be enrolled in program based on the option specified in paragraph (1), (2), (3), or (4) that results in the lowest amount of compensation to be paid by the Secretary:

''(1) A percentage of the fair market value based on the Uniform Standards for Professional Appraisals Procedures, as determined by the Secretary.

''(2) A percentage of the market value determined by an area wide market survey.

''(3) A geographic cap, as prescribed in regulations issued by the Secretary.

''(4) The offer made by the owner of the land.''.

(d) GRASSLAND RESERVE ENHANCEMENT.—Section 1238N of the Food Security Act of 1985 (16 U.S.C. 3838n) is amended by inserting after subsection (d), as added by subsection (b), the following new subsection:

''(e) GRASSLAND RESERVE ENHANCEMENT.—The Secretary may enter into such agreements with States, including political subdivisions and agencies of States, that the Secretary determines will advance the purposes of the grassland reserve program. Section 1305(d) of the Agricultural Reconciliation Act of 1987 (Public Law 100-203; 7 U.S.C. 1308 note) shall not apply to payments received by a State or political subdivision or agency thereof in connection with such an agreement.''.

(e) USE OF PRIVATE ORGANIZATIONS OR STATE AGENCIES.—Section 1238Q of the Food Security Act of 1985 (16 U.S.C. 3838q) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) AUTHORITY TO USE PRIVATE ORGANIZATIONS OR STATES.—The Secretary shall permit a private conservation or land trust organization (referred to in this section as a 'private organization') or a State agency to own, write, 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 protection of grassland, land that contains forbs, and shrubland;

''(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.'';

(2) in subsection (b), by striking ''hold'' and inserting ''own, write,''; and

(3) in subsection (c), by striking ''hold'' and inserting ''own, write,''.

SEC. 2105. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) PURPOSES.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in the matter preceding paragraph (1), by inserting '', forest management, organic transition,'' after ''agricultural production''; and

(2) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

''(3) providing flexible assistance to producers to install and maintain conservation practices that, while sustaining production of food and fiber—

''(A) enhance soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife; and

''(B) conserve energy;

''(4) assisting producers to make beneficial, cost effective changes to cropping systems, grazing management, energy use, forest management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land; and''.

(b) DEFINITIONS.—Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph:

''(3) LAND MANAGEMENT PRACTICE.—

''(A) IN GENERAL.—The term 'land management practice' means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, forest management, silvicultural practice, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resources.

''(B) FOREST MANAGEMENT PRACTICES.—For purposes of subparagraph (A), forest management practices may include activities that the Secretary determines are needed to—

''(i) improve water quality;

''(ii) restore forest biodiversity; or

''(iii) control invasive species.

''(C) COORDINATED IMPLEMENTATION.—A land management practice may involve multiple landowners implementing eligible conservation activities in a coordinated fashion.'';

(2) in paragraph (4), by inserting ''alpacas, bison,'' after ''sheep,'';

(3) by redesignating paragraphs (3), (4), (5), and (6), as so amended, as paragraphs (4), (5), (6), and (8), respectively;

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

''(3) INTEGRATED PEST MANAGEMENT.—The term 'integrated pest management' means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, an environmental risks.''; and

(5) by inserting after paragraph (6), as so redesignated, the following new paragraph:

''(7) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term under section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).''.

(c) ELIGIBLE PRACTICES.—Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is amended—

(1) in paragraph (1), by striking ''2010'' and inserting ''2012''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or receives organic certification'' after ''chapter''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) a producer that implements a land management practice, receives technical services from an approved third-party provider, develops a comprehensive nutrient management plan, or implements energy efficiency improvements or renewable energy systems, in accordance with this chapter shall be eligible to receive incentive payments.''.

(d) BEGINNING FARMERS OR RANCHERS AND SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—Section 1240B(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(d)(2)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

''(A) INCREASED COST-SHARE FOR CERTAIN PRODUCERS.—The Secretary shall increase the amount provided under paragraph (1) to a producer that is a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher to 90 percent of the cost of the practice, as determined by the Secretary.''.

(e) ADDITIONAL SUPPORT FOR USE OF GASIFIER TECHNOLOGY.—Section 1240B(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(d)(2)) is amended by adding at the end the following new subparagraph:

''(C) INCREASED COST-SHARE FOR USE OF GASIFIER TECHNOLOGY.—In carrying out this chapter, the Secretary shall promote air quality by providing for a 90 percent cost share for those projects that utilize gasifier technology for the purposes of the disposal of animal carcasses and by-products.''.

(f) INCENTIVE PAYMENTS.—Section 1240B(e) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) AVAILABILITY OF INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer—

''(A) to perform 1 or more land management practices;

''(B) to receive technical services from an approved third-party provider;

''(C) to develop a comprehensive nutrient management plan; or

''(D) to implement energy efficiency improvements or renewable energy systems.''; and

(2) in paragraph (2), by inserting ''pollinator habitat,'' after ''invasive species,''.

(g) ALLOCATION OF FUNDING.—Section 1240B(g) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(g)) is amended—

(1) by striking ''For each'' and inserting the following:

''(1) ALLOCATION FOR LIVESTOCK PRODUCTION PRACTICES.—For each'';

(2) in such paragraph, as so designated, by striking ''2007'' and inserting ''2012''; and

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

''(2) ALLOCATION FOR CERTAIN PRODUCERS.—For each of fiscal years 2007 through 2012, of the funds made available for cost-share payments and incentive payments under this chapter, the Secretary shall reserve, for a period of not less than 90 days after the date on which the funds are made available for the fiscal year—

''(A) not less than 5 percent for beginning farmers and ranchers; and

''(B) not less than 5 percent of funds for socially disadvantaged farmers and ranchers and limited resource farmers and ranchers.''.

(h) ELIGIBILITY OF MARKET AGENCIES AND CUSTOM FEEDING BUSINESSES.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended by adding at the end the following new subsection:

''(i) ELIGIBILITY OF MARKET AGENCIES AND CUSTOM FEEDING BUSINESSES FOR ASSISTANCE.—A market agency (as defined in section 301(c) of the Packers and Stockyards Act, 1921 (7 U.S.C. 201(c))) or custom feeding business may receive technical assistance, cost-share payments, or incentive payments under the program. Any reference to 'producer' in this chapter shall be deemed to include a market agency or custom feeding business.''.

(i) EVALUATION OF APPLICATIONS FOR COST-SHARE PAYMENTS AND INCENTIVE PAYMENTS.—Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended to read as follows:

''SEC. 1240C. EVALUATION OF APPLICATIONS FOR COST-SHARE PAYMENTS AND INCENTIVE PAYMENTS.

''(a) PRIORITIES AND GROUPING OF APPLICATIONS.—In evaluating applications for cost-share payments and incentive payments, the Secretary shall—

''(1) prioritize applications based on their overall level of cost-effectiveness to ensure that the conservation practices and approaches proposed are the most efficient means of achieving the anticipated environmental benefits of the project;

''(2) prioritize applications based on how effectively and comprehensively the project addresses the designated resource concern or resource concerns;

''(3) prioritize applications that best fulfill the purpose of the environmental quality incentives program specified in section 1240(1);

''(4) develop criteria for evaluating applications that will ensure that national, State, and local conservation priorities are effectively addressed; and

''(5) to the greatest extent practicable, group applications of similar crop or livestock operations for evaluation purposes or otherwise evaluate applications relative to other applications for similar farming operations.

''(b) EVALUATION PROCESS.—The Secretary shall ensure that the evaluation process is as streamlined and efficient as practicable in the case of applications that—

''(1) involve operations with substantial and sound environmental management systems; and

''(2) seek a single practice or a limited number of practices to further improve the environmental performance of that system.''.

(j) DUTIES OF PRODUCERS.—Section 1240D(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–4(2)) is amended by striking ''or ranch'' and inserting '', ranch, or forestland''.

(k) PROGRAM PLAN.—Section 1240E of the Food Security Act of 1985 (16 U.S.C. 3839aa–5) is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) PLAN OF OPERATIONS.—To be eligible to receive cost-share payments or incentive payments under the program, a producer shall submit to the Secretary for approval a plan of operations that—

''(1) specifies practices covered under the program;

''(2) includes such terms and conditions as the Secretary considers necessary to carry out the program, including a description of the purposes to be met by the implementation of the plan;

''(3) in the case of a confined livestock feeding operation, provides for development and implementation of a comprehensive nutrient management plan, if applicable; and

''(4) in the case of forestland, is consistent with the provisions of a forest management plan meeting with the approval of the Secretary, which may include a forest stewardship plan, as specified in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a), other practice plan approved by the State forester, or other plan determined appropriate by the Secretary.

''(b) AVOIDANCE OF DUPLICATION.—The Secretary shall—

''(1) consider a permit acquired under a water or air quality regulatory program as the equivalent of a plan of operations under subsection (a); and

''(2) to the maximum extent practicable, eliminate duplication of planning activities under the program under this chapter and comparable conservation programs.''.

(l) DUTIES OF THE SECRETARY.—Section 1240F of the Food Security Act of 1985 (16 U.S.C. 3839aa–6) is amended—

(1) by striking ''To the extent'' and inserting ''(a) PROVISION OF ASSISTANCE.—To the extent''; and

(2) by adding at the end the following new subsection:

''(b) WATER SAVINGS.—In the case of a practice primarily intended to conserve water, the Secretary may provide assistance to a producer under this section only if the Secretary determines that—

''(1) the practice results in a minimum reduction, as determined by the Secretary, in the total consumptive use of ground water or surface water resources affected by the practice;

''(2) any saved water remains in the source for the useful life of the practice; and

''(3) the practice will not result, directly or indirectly, in an increase in the consumptive use of water in the agriculture operation of the producer.''.

(m) CONSERVATION INNOVATION GRANTS.—Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended to read as follows:

''SEC. 1240H. CONSERVATION INNOVATION GRANTS.

''(a) COMPETITIVE GRANTS.—The Secretary shall pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging Federal investment in environmental enhancement and protection, in conjunction with agricultural production or forest resource management, through the program.

''(b) USE.—The Secretary may provide grants under this section to governmental and non-governmental organizations and persons, on a competitive basis, to carry out projects that—

''(1) involve producers that are eligible for payments or technical assistance under the program;

''(2) leverage funds made available to carry out the program under this chapter with matching funds provided by State and local governments and private organizations to promote environmental enhancement and protection in conjunction with agricultural production;

''(3) ensure efficient and effective transfer of innovative technologies and approaches demonstrated through projects that receive funding under this section; and

''(4) provide environmental and resource conservation benefits through increased participation by producers of specialty crops.

''(c) PILOT PROGRAM FOR COMPREHENSIVE CONSERVATION PLANNING.—

''(1) PILOT PROGRAM REQUIRED.—The Secretary shall establish a pilot program to undertake comprehensive conservation planning to assist producers before they submit an application for assistance under any of the conservation programs authorized by this subtitle.

''(2) CONSERVATION PLANNING ASSISTANCE.—The Secretary shall undertake pilot projects under the pilot program in the locations specified in paragraph (3) to assist producers by making a comprehensive assessment of the resource concerns, needs, and alternative solutions for the producer's entire operation, as determined by the Secretary, following the procedures in the Natural Resources Conservation Service conservation planning manual. The assistance shall be provided by the Secretary directly or through third party providers certified by the Secretary, and shall not be at the expense of the producer. The results of the comprehensive planning assistance shall be provided to the producer to enable informed choices on the type of financial assistance available under this subtitle that would most effectively address the resource needs of the operation consistent with the environmental goals for the area in which the operation is located.

''(3) PILOT PROJECTS.—Pilot projects in comprehensive conservation planning shall be undertaken in the Chesapeake Bay watershed, and shall include the identification of hydrologic, soil, and rural land use factors that are unique to the Delmarva Peninsula.

''(4) REPORT.—The Secretary shall conduct an assessment of the effectiveness of the pilot program and publish a report, available to the public, of the results of the assessment. Such assessments shall be undertaken in the second year and the fifth year of the pilot program.

''(d) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds made available under section 1241(a)(6) for fiscal years 2008 through 2012, the Secretary shall use $30,000,000 for fiscal year 2008, $35,000,000 for fiscal year 2009, $50,000,000 for fiscal year 2010, $60,000,000 for fiscal year 2011, and $75,000,000 for fiscal year 2012.

''(2) OUTREACH FOR CERTAIN PRODUCERS.—Of the funds made available under paragraph (1) for a fiscal year, the Secretary shall use $5,000,000 to make grants to support effective outreach and innovative approaches for outreach and to serve organic producers and producers of specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

''(3) COMPREHENSIVE CONSERVATION PLANNING.—Of the funds made available under paragraph (1) for a fiscal year, the Secretary shall use $5,000,000 to carry out the comprehensive conservation planning pilot program under subsection (c).

''(4) AIR QUALITY.—Of the funds made available under paragraph (1), the Secretary shall use $10,000,000 for fiscal year 2008, $15,000,000 for fiscal year 2009, $30,000,000 for fiscal year 2010, $40,000,000 for fiscal year 2011, and $55,000,000 for fiscal year 2012 to support air quality improvement and performance incentives for States to help meet State and local regulatory requirements related to air quality.''.

SEC. 2106. REGIONAL WATER ENHANCEMENT PROGRAM.

(a) PURPOSE AND GOALS.—The purpose of this section is to authorize a regional water enhancement program, within the environmental quality incentives program, to enhance performance-based, cost-effective conservation carried out through cooperative agreements entered into by the Secretary of Agriculture with producers, governmental entities, and Indian tribes. The goal of the program is to improve water quality or ground and surface water quantity through coordinated program activities on agricultural lands. The Secretary will develop goals and provide coordinated program assistance for water quality or water quantity improvement projects.

(b) ESTABLISHMENT OF PROGRAM.—Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended to read as follows:

''SEC. 1240I. REGIONAL WATER ENHANCEMENT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) REGIONAL WATER ENHANCEMENT ACTIVITIES.—The term 'regional water enhancement activities' includes resource condition assessment and modeling, water quality, water quantity or water conservation plan development, management system and environmental monitoring and evaluation, cost-share of restoration or enhancement projects, incentive payments for land management practices, easement purchases, conservation contracts with landowners, improved irrigation systems, water banking and other forms of water transactions, groundwater recharge and other conservation related activities that the Secretary determines will help to achieve the water quality or water quantity benefits on agricultural lands identified in a partnership agreement.

''(2) PARTNERSHIP AGREEMENT.—The term 'partnership agreement' means an agreement between the Secretary and a partner under subsection (d).

''(3) PARTNER.—The term 'partner' means an entity that enters into a partnership agreement with the Secretary to carry out regional water enhancement activities. The term includes—

''(A) an agricultural producer, agricultural or silvicultural producer association, or other group of such producers;

''(B) a State or unit of local government, including an irrigation or water district; or

''(C) a federally recognized Indian tribe.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a regional water enhancement program in accordance with this section to improve water quality or water quantity on a regional scale to benefit working agricultural land and other lands surrounding agricultural land.

''(2) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—The Secretary shall identify areas where protecting or improving water quality, water quantity, or both is a priority. In identifying these areas, the Secretary shall prioritize the Chesapeake Bay, the Upper Mississippi River basin, the Everglades, and the Klamath River basin. Not more than 50 percent of the funds made available for the regional water enhancement program shall be reserved for priority areas identified in this paragraph.

''(c) SELECTION OF PARTNERS.—

''(1) SOLICITATION OF PARTNERSHIP PROPOSALS.—Not later than 90 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary shall invite prospective partners to submit competitive grant proposals for regional water enhancement partnerships.

''(2) ELEMENTS.—To be eligible for consideration for participation in the program, a proposal submitted by a partner shall contain the following elements:

''(A) Identification of the exact geographic area for which the partnership is proposed, which may be based on—

''(i) a watershed (or portion thereof);

''(ii) an irrigation, water, drainage district, including service area; or

''(iii) some other geographic area with characteristics making it suitable for landscape-wide program implementation, as may be determined by the Secretary.

''(B) Identification of the water quality or water quantity issues that are of concern in the area.

''(C) A method for determining a baseline assessment of water quality, water quantity, and other resource conditions in the region.

''(D) A detailed description of the proposed regional water enhancement activities to be undertaken in the area, including an estimated timeline and budget for each activity.

''(E) A description of the performance measures to be used to gauge the effectiveness of the regional water enhancement activities.

''(F) A description of other regional water enhancement activities carried out by the Secretary.

''(G) A description of regional water enhancement activities carried out by partners through other means.

''(3) SELECTION OF PROPOSALS.—The Secretary shall award grants competitively, based on the following criteria applied by the Secretary:

''(A) Proposals that will result in the inclusion of the highest percentage of agricultural lands and producers in the area.

''(B) Proposals that will result in the highest percentage of on-the-ground activities versus administrative costs.

''(C) Proposals that will provide the greatest contribution to sustaining or enhancing agricultural production in the area or rural economic development.

''(D) Proposals that include performance measures that will allow post-activity conditions to be satisfactorily measured to gauge overall effectiveness.

''(E) Proposals that will capture surface-water runoff on farms through the construction, improvement, or maintenance of irrigation ponds.

''(F) Proposals that have the highest likelihood of improving issues of concern for the area through the participation of multiple interested persons.

''(G) Proposals that will assist producers in meeting a regulatory requirement imposed on lands in agriculture production that reduces the economic scope of the producer's operation.

''(4) DURATION.—Grants under this subsection shall be made on a multi-year basis, not to exceed 5 years total, except that the Secretary may terminate a grant earlier if the performance measures are not being met.

''(d) PARTNERSHIP AGREEMENTS.—

''(1) GENERALLY.—Not later than 30 days after the award of a grant to a partner under subsection (c), the Secretary shall enter into a partnership agreement with the grant recipient. At a minimum, the agreement shall contain—

''(A) a description of the respective duties and responsibilities of the Secretary and the partner in carrying out regional water enhancement activities; and

''(B) the criteria that the Secretary will use to measure the overall effectiveness of the regional water enhancement activities funded by the grant in improving the water quality or quantity conditions of the region relative to the performance measures in the grant proposal.

''(2) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary may accept and use contributions of non-Federal funds to administer the program under this section.

''(3) WAIVER AUTHORITY.—The Secretary shall waive the limitation in section 1001D of this Act if the Secretary determines that doing so is necessary to fulfill the objectives of the regional water enhancement program.

''(e) MODIFICATION OF SECRETARIAL AUTHORITY.—To the extent that the Secretary will be carrying out regional water enhancement activities in an area, the Secretary may use the general authorities provided in this subtitle to ensure that all producers and landowners in the region have the opportunity to participate in such activities.

''(f) RELATIONSHIP WITH OTHER PROGRAMS.—The Secretary shall ensure that, to the extent producers and landowners are individually participating in other programs under this subtitle in a region where the regional water enhancement program is in effect, any improvements to water quality or water quantity attributable to such individual participation is included in the evaluation criteria developed under subparagraph (d)(1)(B).

''(g) CONSISTENCY WITH STATE LAW.—Any regional water enhancement activity conducted under this section shall be consistent with State water laws.

''(h) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—In addition to funds made available to carry out this chapter under section 1241(a)(6), the Secretary shall use funds of the Commodity Credit Corporation to carry out this section in the amount of, to the maximum extent practicable, $60,000,000 for each of fiscal years 2008 through 2012.

''(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the funds made available under paragraph (1) for a fiscal year may be used for administrative expenses of the Secretary.''.

SEC. 2107. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb–2(b)) is amended by striking ''$5,000,000 for each of fiscal years 2002 through 2007'' and inserting ''$20,000,000 for each of fiscal years 2008 through 2012''.

(b) ADDITIONAL FUNDING.—Section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2) is amended by adding at the end the following new subsection:

''(c) ONE-TIME INFUSION OF FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available, on a one-time basis, $10,000,000 to carry out this section. Such funds shall remain available until expended.''.

SEC. 2108. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2109. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240P(c) of the Food Security Act of 1985 (16 U.S.C. 3839bb–3(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2110. FARM AND RANCHLAND PROTECTION PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) is amended to read as follows:

''Subchapter B—Farm and Ranchland Protection Program

''SEC. 1238H. DEFINITIONS.

''In this subchapter:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

''(A) An agency of a State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law).

''(B) An organization that 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), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986.

''(C) 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.

''(D) An organization described in section 509(a)(2) of the Internal Revenue Code of 1986.

''(E) An organization described in section 509(a)(3) of the Internal Revenue Code of 1986 that is controlled by an organization described in section 509(a)(2), of that Code.

''(2) ELIGIBLE LAND.—The term 'eligible land' means land on a farm or ranch that—

''(A) is cropland;

''(B) is rangeland;

''(C) is grassland;

''(D) is pasture land;

''(E) is forest land that is an incidental part of an agricultural operation, as determined by the Secretary; or

''(F) contains historical or archaeological resources.

''(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 farm and ranchland protection program established under section 1238I(a).

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''SEC. 1238I. FARM AND RANCHLAND PROTECTION PROGRAM.

''(a) ESTABLISHMENT.—

''(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and carry out a farm and ranchland protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land that is subject to a pending offer from a certified State or eligible entity for the purpose of protecting the agricultural use and related conservation values of the land by limiting incompatible nonagricultural uses of the land.

''(2) PRIORITY.—In carrying out the program, the Secretary shall give the highest priority—

''(A) to protecting farm and ranchland with prime, unique or other productive soils that are at risk of non-agricultural development; or

''(B) to projects that further a State or local policy consistent with the purposes of the program.

''(b) GRANTS TO CERTIFIED STATES.—The Secretary shall make grants to States certified by the Secretary under subsection (c). Such grants shall be made based on demonstrated need for farm and ranch land protection. Grants may be made for multiple transactions so long as all funds provided under the program are used to purchase conservation easements or other interests in land in a timely and effective manner. A State receiving a grant under this subsection may use up to 10 percent of the grant funds for reasonable costs of purchasing and enforcing conservation easements.

''(c) CERTIFICATION OF STATES FOR GRANTS.—

''(1) CERTIFICATION PROCESS.—The Secretary shall implement a process, to be published in the Federal Register, for certifying States as eligible to participate in the program. The Secretary may provide a reasonable transitional period, not to extend past September 30, 2008, in order to allow continued operation of the program for such time as needed for the Secretary to implement the certification process.

''(2) CERTIFICATION REQUIREMENTS.—To be certified under the process implemented under paragraph (1), a State shall demonstrate, at a minimum, the following:

''(A) A legislative or organizational purpose consistent with the purposes of the program.

''(B) The necessary authority and the resources and technical ability to monitor and enforce the terms of conservation easements or other interests in land or to require the holder of such easements or other interests in land acquired with the use of funding under the program to monitor and enforce the terms of such easements or other interests in land.

''(C) The capacity to provide the necessary matching funds from non-Federal sources for projects undertaken under the program and to use program funds in a timely and effective manner.

''(D) Policies and procedures to ensure that, on average, the purchase price of conservation easements or other interests in land purchased with program funds do not exceed the fair market value of the easements or other interests in land.

''(E) Policies and procedures that ensure that conservation easements or other interests in land purchased with program funds will continue to protect the agricultural use and related conservation values of the land.

''(F) Provision for continued stewardship of the conservation easements or other interest in land purchased with program funds in the event the State loses its certification under the program.

''(G) A determination of its own criteria and priorities for purchasing conservation easements and other interests in land under the program.

''(d) AGREEMENTS WITH ELIGIBLE ENTITIES.—

''(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into an agreement with an eligible entity, under which the entity may purchase conservation easements using a combination of its own funds and funds distributed by the Secretary under the program.

''(2) TERMS AND CONDITIONS.—An agreement under this subsection shall stipulate the terms and conditions under which the eligible entity shall use funds provided by the Secretary under the program. The eligible entity shall be authorized to use its own terms and conditions for conservation easements and other purchases of interests in land, so long as—

''(A) such terms and conditions are consistent with the purposes of the program and permit effective enforcement of the conservation purposes of such easements or other interests;

''(B) the eligible entity has in place a requirement consistent with agricultural activities regarding the impervious surfaces to be allowed for any conservation easement or other interest in land purchased using funds provided under the program; and

''(C) the eligible entity requires use of a conservation plan for any highly erodible cropland for which a conservation easement or other interest in land has been purchased using funds provided under the program.

''(e) FEDERAL CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary may require the inclusion of a Federal contingent right of enforcement or executory limitation in a conservation easement or other interest in land for conservation purposes purchased with Federal funds

provided under the program, in order to preserve the easement as a party of last resort. The inclusion of such a right or interest shall not be considered to be the Federal acquisition of real property and the Federal standards and procedures for land acquisition shall not apply to the inclusion of the right or interest

''(f) REVIEW; REVOCATION.—

''(1) REVIEW.—Every 3 years, the Secretary shall review the certification of States under subsection (c) and the performance of eligible entities in meeting the terms and conditions of an agreement under subsection (d).

''(2) REVOCATION.— If, in the determination of the Secretary, a State no longer meets the qualifications described in subsection (c)(2) or an eligible entity is not meeting the terms and conditions of an agreement under subsection (d), the Secretary may—

''(A) revoke the certification of the State or terminate the agreement with the eligible entity; or

''(B) allow the State or eligible entity a specified period of time in which to take such actions as may be necessary to retain its certification or to meet the terms and conditions of the agreement, as the case may be.

''(g) 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. In the case of an easement or other interest in land that is perpetual in duration, the Secretary may not require the conversion of the cropland to less intensive uses if, under such plan, soil erosion can be reduced to 'T' or below.

''(h) COST SHARING.—The share of the cost provided under this section for purchasing a conservation easement or other interest in land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land. Fair market value shall be determined on the basis of an appraisal of the conservation easement or other interest in eligible land using an industry-approved methodology determined by the entity.''.

SEC. 2111. FARM VIABILITY PROGRAM.

Section 1238J(b) of the Food Security Act of 1985 (16 U.S.C. 3838j(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2112. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) REAUTHORIZATION.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended by adding at the end the following new subsection:

''(d) DURATION OF PROGRAM.—Using funds made available under section 1241(a)(7), the Secretary shall carry out the program during fiscal years 2008 through 2012.''.

(b) COST SHARE FOR LONG-TERM AGREEMENTS AND IMPACT ON SCOPE OF OPERATIONS.—Section 1240N(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3839bb–1(b)(2)) is amended—

(1) in the paragraph heading by inserting ''AND IMPACT ON SCOPE OF OPERATIONS'' after ''AGREEMENTS'';

(2) in subparagraph (A), by striking ''years,'' and inserting ''years, or that will assist producers in meeting a regulatory requirement imposed on lands in agriculture production that reduces the economic scope of the producer's operation,''; and

(3) in subparagraph (B), by striking ''15 percent'' and inserting ''25 percent''.

Subtitle B—Conservation Programs Under Other Laws

SEC. 2201. AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.

(a) ELIGIBLE STATES.—Section 524(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(1)) is amended—

(1) by inserting ''Hawaii,'' after ''Delaware,''; and

(2) by inserting ''Virginia,'' after ''Vermont,''.

(b) TECHNICAL CORRECTION.—Section 524(b)(4)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)(i)) is amended by striking ''Except as provided in clauses (ii) and (iii), the'' and inserting ''The''.

(c) CERTAIN USES.—Section 524(b)(4) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN USES.—Of the amounts made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

''(i) 50 percent to carry out subparagraphs (A), (B), and (C) of paragraph (2) through the Natural Resources Conservation Service;

''(ii) 10 percent to provide organic certification cost share assistance through the Agricultural Marketing Service; and

''(iii) 40 percent to conduct activities to carry out subparagraph (F) of paragraph (2) through the Risk Management Agency.''.

SEC. 2202. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) LOCALLY LED PLANNING PROCESS.—Section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451) is amended—

(1) in paragraph (1), by striking ''planning process'' in the matter preceding subparagraph (A) and inserting ''locally led planning process''; and

(2) in paragraph (9), by striking ''council'' and inserting ''locally led council''.

(b) AUTHORIZED TECHNICAL ASSISTANCE.—Section 1528(13) of the Agriculture and Food Act of 1981 (16 U.S.C. 3451(13)) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

''(C) providing assistance for the implementation of area plans and projects; and

''(D) providing services which bring to bear the resources of Department of Agriculture programs in a local community, as defined in the locally led planning process.''.

(c) IMPROVED PROVISION OF TECHNICAL ASSISTANCE.—Section 1531 of the Agriculture and Food Act of 1981 (16 U.S.C. 3454) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In carrying''; and

(2) by adding at the end the following new subsection:

''(b) COORDINATOR.—To improve the provision of technical assistance to councils under this subtitle, the Secretary shall designate an individual, to be known as the 'Coordinator', for each council. The Coordinator shall be directly responsible for the provision of technical assistance to the council.''.

(d) PROGRAM EVALUATION.—Section 1534 of the Agriculture and Food Act of 1981 (16 U.S.C. 3457) is repealed.

SEC. 2203. SMALL WATERSHED REHABILITATION PROGRAM.

(a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended by adding at the end the following new subparagraph:

''(G) $50,000,000 for each of fiscal years 2009 through 2012.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking ''fiscal year 2007'' and inserting ''each of fiscal years 2007 through 2012''.

Subtitle C—Additional Conservation Programs

SEC. 2301. CHESAPEAKE BAY PROGRAM FOR NUTRIENT REDUCTION AND SEDIMENT CONTROL.

Chapter 5 of subtitle D of the Food Security Act of 1985 is amended by inserting after section 1240P (16 U.S.C. 3839bb–3) the following new section:

''SEC. 1240Q. RIVER RESTORATION IN THE CHESAPEAKE BAY WATERSHED.

''(a) CHESAPEAKE BAY WATERSHED DEFINED.—In this section, the term 'Chesapeake Bay watershed' means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

''(b) COMPREHENSIVE PLAN FOR CHESAPEAKE BAY WATERSHED.—

''(1) DEVELOPMENT.—The Secretary of Agriculture shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Chesapeake bay watershed.

''(2) PROVEN TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches to advance the following goals:

''(A) Improvement of water quality and quantity within the Chesapeake Bay.

''(B) Restoration, enhancement, and preservation of habitat for plants and wildlife.

''(C) Increase economic opportunity for producers and rural communities.

''(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

''(A) the development and implementation of a program for erosion prevention and control, sediment control and sediment removal, and reduction of nutrient loads;

''(B) the development and implementation of a program for—

''(i) the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation; and

''(ii) stabilization and enhancement of land and water resources; and

''(C) the development and implementation of a long-term resource monitoring program.

''(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal and State agencies.

''(c) SUBMISSION OF PLAN.—

''(1) SUBMISSION.—Not later than 2 years after the date of enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary shall transmit to Congress a report containing the comprehensive plan.

''(2) ADDITIONAL STUDIES AND ANALYSES.—After submission of the report required by paragraph (1), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

''(d) RESTORATION ENHANCEMENT AND PRESERVATION PROJECTS.—

''(1) PROJECT AUTHORITY.—In cooperation with appropriate Federal and State agencies, the Secretary shall carry out restoration enhancement and preservation projects for the Chesapeake Bay watershed to address the goals specified in subsection (b)(2). To achieve the restoration, preservation, and protection benefits of a project, the Secretary shall proceed expeditiously with the implementation of the project consistent with the comprehensive plan.

''(2) CRITICAL PROJECTS.—In carrying out this subsection, the Secretary shall begin with the Susquehanna River, the Shenandoah River, the Potomac River, and the Patuxent River.

''(3) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out projects under this subsection the following amounts:

''(A) $10,000,000 for fiscal year 2008.

''(B) $15,000,000 for fiscal year 2009.

''(C) $30,000,000 for fiscal year 2010.

''(D) $40,000,000 for fiscal year 2011.

''(E) $55,000,000 for fiscal year 2012.

''(4) FEDERAL SHARE.—The Federal share of the cost of carrying out any individual project under this subsection shall not exceed $5,000,000.

''(e) GENERAL PROVISIONS.—

''(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

''(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b)

and carrying out projects under subsection (d), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceeding of meetings available for public inspection.

''(f) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with other Federal and State programs, projects, and activities.

''(g) COST SHARING.—

''(1) NON-FEDERAL SHARE.—Subject to subsection (d)(4), the non-Federal share of the cost of projects and activities carried out under this section shall be not less than 35 percent.

''(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

''(h) SENSE OF CONGRESS REGARDING CHESAPEAKE BAY EXECUTIVE COUNCIL.—

''(1) FINDINGS.—Congress finds the following:

''(A) One of the stated goals of the Chesapeake Bay Agreement is to 'develop, promote, and achieve sound land use practices which protect and restore watershed resources and water quality, maintain reduced pollutant loadings for the Bay and its tributaries, and restore and preserve aquatic living resources'.

''(B) Department of Agriculture conservation programs are integral to the restoration of the Chesapeake Bay and achieving the water quality goals for the Chesapeake Bay program.

''(2) SENSE OF CONGRESS.—In light of the findings specified in paragraph (1), it is the sense of Congress that the Secretary of Agriculture should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a(3)).''.

SEC. 2302. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1240Q, as added by section 2301, the following new section:

''SEC. 1240R. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing, under programs administered by the States and tribal governments.

''(b) APPLICATIONS.—In submitting applications for a grant under the program, a State or tribal government shall describe—

''(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

''(A) hunting and fishing; and

''(B) to the maximum extent practicable, other recreational purposes; and

''(2) the methods that will be used to achieve those benefits.

''(c) PRIORITY.—In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that—

''(1) have consistent opening dates for migratory bird hunting for both residents and nonresidents;

''(2) propose to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

''(3) propose to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

''(4) propose to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in 1234(f)(4) by providing incentives to increase public hunting and other recreational access on that land; and

''(5) propose to use additional Federal, State, tribal government, or private resources in carrying out the program.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

''(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $20,000,000 for each of fiscal years 2008 through 2012 to carry out this section.''.

Subtitle D—Administration and Funding

SEC. 2401. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1), by striking ''2007'' and inserting ''2012''.

(b) CONSERVATION SECURITY PROGRAM.—Paragraph (3) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(3) The conservation security program under subchapter A of chapter 2, using, to the maximum extent practicable—

''(A) in the case of conservation security contracts entered into before October 1, 2007, under such subchapter, as in effect on the day before the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007—

''(i) $1,454,000,000 for the period of fiscal years 2007 through 2012; and

''(ii) $1,927,000,000 for the period of fiscal years 2007 through 2017; and

''(B) in the case of conservation security contracts entered into on or after October 1, 2011, under such subchapter—

''(i) $501,000,000 for fiscal year 2012; and

''(ii) $4,646,000,000 for the period of fiscal years 2012 through 2017.''.

(c) FARM AND RANCHLAND PROTECTION PROGRAM.—Paragraph (4) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(4) The farm and ranchland protection program under subchapter B of chapter 2, using, to the maximum extent practicable—

''(A) $125,000,000 in fiscal year 2008;

''(B) $150,000,000 in fiscal year 2009;

''(C) $200,000,000 in fiscal year 2010;

''(D) $240,000,000 in fiscal year 2011; and

''(E) $280,000,000 in fiscal year 2012.''.

(d) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Paragraph (6) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(6) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

''(A) $1,500,000,000 in fiscal year 2008;

''(B) $1,600,000,000 in fiscal year 2009;

''(C) $1,700,000,000 in fiscal year 2010;

''(D) $1,800,000,000 in fiscal year 2011; and

''(E) $2,000,000,000 in fiscal year 2012.''.

(e) WILDLIFE HABITAT INCENTIVES PROGRAM.—Paragraph (7)(D) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2402. IMPROVED PROVISION OF TECHNICAL ASSISTANCE UNDER CONSERVATION PROGRAMS.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (1); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

''(2) through a contract with an approved third party, if available; or

''(3) at the option of the producer, through a payment as determined by the Secretary, directly to an approved third party, if available, or to the producer for an approved third party, if available.'';

(2) in subsection (b)—

(A) by striking ''technical assistance'' each place it appears and inserting ''technical services''; and

(B) in paragraph (1)(B), by striking ''that assistance'' and inserting ''those technical services''; and

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

''(c) PAYMENT AMOUNTS.—

''(1) USE OF PREVAILING MARKET RATES.—The Secretary shall set the amounts of payments under subsection (b)(1)(B) for technical services at levels not less than prevailing private market rates.

''(2) EXCEPTION.—Paragraph (1) shall not apply in instances where personnel of the Department of Agriculture are immediately available to provide comparable technical services to eligible producers.

''(d) REVIEW AND EXPEDITED APPROVAL OF TECHNICAL ASSISTANCE SPECIFICATIONS.—

''(1) REVIEW OF EXISTING TECHNICAL ASSISTANCE SPECIFICATIONS.—

''(A) REVIEW OF SPECIFICATIONS.—The Secretary shall direct each State to review and ensure, to the maximum extent practicable, the completeness and relevance of technical assistance specifications in effect as of the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007.

''(B) CONSULTATION.—In conducting the assessment under subparagraph (A), a State shall consult with specialty crop producers, crop consultants, cooperative extension and land-grant universities, nongovernmental organizations, and other qualified entities.

''(C) EXPEDITED REVISION OF SPECIFICATIONS.—If a State determines under subparagraph (A) that revisions to its technical assistance specifications are necessary, the State shall establish an administrative process for expediting the revisions.

''(2) ADDRESSING CONCERNS OF SPECIALTY CROP PRODUCERS.—

''(A) IN GENERAL.—The Secretary shall direct each State to fully incorporate into its technical assistance specifications and provide for the appropriate range of conservation practices and resource mitigation measures available to specialty crop producers.

''(B) AVAILABILITY OF ADEQUATE TECHNICAL ASSISTANCE.—The Secretary shall ensure that adequate technical assistance is available for the implementation of conservation practices by specialty crop producers through Federal conservation programs. In carrying out this requirement, the Secretary shall develop—

''(i) programs that meet specific needs of specialty crop producers through cooperative agreements with other agencies and nongovernmental organizations; and

''(ii) program specifications that allow for innovative approaches that engage local resources in providing technical assistance for planning and implementation of conservation practices.

''(e) NON-FEDERAL ASSISTANCE.—The Secretary may request the services of, and enter into cooperative agreements or contracts with, non-Federal entities to assist the Secretary in providing technical assistance necessary to develop and implement conservation programs under this title.''.

SEC. 2403. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) TRANSFER OF EXISTING PROVISIONS.—Subsections (b), (c), and (d) of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) are—

(1) redesignated as subsections (c), (d), and (e), respectively; and

(2) transferred to appear at the end of section 1244 of such Act (16 U.S.C. 3844).

(b) ESTABLISHMENT OF PARTNERSHIP INITIATIVE.—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), as amended by subsection (a), is amended to read as follows:

"SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

''(a) ESTABLISHMENT OF INITIATIVE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the 'Partnership') within each program described in subsection (b) to address conservation issues involving production agriculture on local, regional, or State levels.

''(2) ADMINISTRATION.—The Secretary shall carry out the Partnership—

''(A) by selecting proposals for grants and agreements by eligible entities described in subsection (c) through a competitive selection process;

''(B) by making grants to, and entering into agreements with, with eligible entities described in subsection (c) for not less than 2 years, but not more than 5 years, in duration; and

''(C) by providing producers that are participating in a special project and initiative of an eligible entity preferential enrollment into 1 or more of the programs described in subsection (b).

''(3) PURPOSES.—The purposes of the Partnership are to carry out special projects and initiatives—

''(A) to address conservation issues involving production agriculture on local, regional, or State levels through producers and eligible entities;

''(B) to address community and economic development needs and opportunities; and

''(C) to increase access to, and participation in, the programs described in subsection (b) by producers of specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004, Pub. L. 108–465 (7 U.S.C. 1621 note).

''(b) COVERED PROGRAMS.—The conservation programs covered by this section are the following:

''(1) Conservation security program.

''(2) Environmental quality incentives program.

''(3) Wildlife habitat incentive program.

''(c) ELIGIBLE PARTNERS.—Grants may be made or agreements may be entered into under this section with any of the following (or a combination thereof):

''(1) States and agencies of States.

''(2) Political subdivisions of States, including counties and State- or county-sponsored conservation districts.

''(3) Indian tribes.

''(4) Nongovernmental organizations and associations, including producer associations, farmer cooperatives, extension associations, and conservation organizations with a history of working cooperatively with producers to effectively address resource concerns related to agricultural production, as determined by the Secretary.

''(5) A combination of partners specified in a preceding paragraph.

''(d) APPLICATIONS.—

''(1) COMPETITIVE PROCESS.—The Secretary shall establish a competitive process for considering applications for grants or agreements under this section consistent with the evaluation criteria listed in subsection (e).

''(2) PROGRAM ALLOCATION.—Applications shall include—

''(A) specification of the amount of funding or acres, or both, of 1 or more covered programs specified in subsection (b) proposed to be allocated to carry out the special project or initiative; and

''(B) a schedule for utilization of funding or acres over the life of the proposed project or initiative.

''(e) EVALUATION CRITERIA.—In evaluating applications for grants or agreements under this section the Secretary shall consider the extent to which—

''(1) preferential enrollment in the covered programs specified in the application will effectively address the environmental objectives established for the special project or initiative; and

''(2) the special project or initiative covered by the application—

''(A) enjoys local and regional support from producers and other interested persons, including governmental and nongovernmental organizations with appropriate expertise on the issues the project or initiative seeks to address;

''(B) includes clear environmental objectives;

''(C) includes a well defined project or initiative plan that identifies sensitive areas requiring treatment and prioritizes conservation practices and activities needed to achieve environmental objectives;

''(D) promises adequate and coordinated participation to achieve the objectives of the project or initiative;

''(E) coordinates integration of local, State, and Federal efforts to make the best use of available resources and maximize cost-effective investments;

''(F) leverages financial and technical resources from sources other than the programs authorized by this subtitle, including financial and technical resources provided by Federal and State agencies, local governments, nongovernmental organizations and associations, and other private sector entities;

''(G) describes how all necessary technical assistance will be provided to each producer participating in the project or initiative, including cost estimates for technical assistance and whether such assistance will be provided by technical service providers;

''(H) describes how the administrative costs of the project or initiative will be minimized;

''(I) addresses a local, State, regional, or national environmental priority or priorities, with particular emphasis on any priority for which there is an existing State or federally approved plan in place for addressing that priority;

''(J) includes a plan to evaluate progress, measure results, and meet the purposes of the agreement;

''(K) clearly demonstrates that enrollment of producers in covered programs will be consistent with the purposes and policies of each individual program, as established in statute, rules and regulations, and program guidance promulgated by implementing agencies;

''(L) links resource and environmental objectives with community development or agritourism objectives that can be improved as a result of addressing the resources of concern;

''(M) demonstrates innovation in linking environmental and community development objectives; and

''(N) addresses the needs of beginning farmers and ranchers, socially disadvantaged farmers and ranchers, and limited resource farmers and ranchers.

''(f) PRIORITIES.—To the maximum extent practicable, consistent with the requirements of subsection (d), the Secretary shall ensure that, each fiscal year, grants are awarded and agreements are entered into under this section to support projects and initiatives that collectively address the resource concerns facing producers, ranchers, and nonindustrial private forest landowners, including specifically projects and initiatives that are designed—

''(1) to achieve improvements in water quality in watersheds impacted by agriculture, particularly by increasing the participation of producers in implementing best management practices in a watershed or developing environmentally and economically viable alternative uses for manure and litter;

''(2) to achieve improvements in air quality in a geographical area where agricultural operations impact air quality;

''(3) to support State activities to efficiently manage and utilize their water resources in regions, States or local areas where water quantity is a concern;

''(4) to assist in carrying out a State Wildlife Habitat Incentives Program plan or other State, regional, or national conservation initiative.

''(5) to control invasive species on rangeland or other agricultural land through the cooperative efforts of multiple producers in a geographical area;

''(6) to address a specific resource of concern or set of concerns on private, non-industrial forest land;

''(7) to reduce losses of pesticides to the environment by engaging multiple producers in a geographic area in adoption of integrated pest management practices and approaches;

''(8) to protect farmland and ranch land facing development pressures from being converted to non-agricultural use; or

''(9) to assist producers in carrying out good management practices to enhance food safety.

''(g) DUTIES OF PARTNERS.—Eligible partners shall—

''(1) identify conservation issues affecting production agriculture on local, regional, or State levels that could be addressed through special projects and initiatives;

''(2) enter into agreements or obtain grants from the Secretary to carry out special projects and initiatives;

''(3) identify through outreach efforts producers that can participate in the special project or initiative of the eligible entity if the producer is otherwise eligible to be enrolled, as determined by the Secretary, or has already enrolled, in the applicable program described in subsection (b); and

''(4) carry out the special project and initiative.

''(h) DUTIES OF THE SECRETARY.—

''(1) ADDITIONAL DUTIES.—In addition to the normal administration of the programs described in subsection (b), the Secretary shall be responsible for basic administrative and oversight functions relating to the special projects and initiatives, including—

''(A) rules and procedures relating to conservation standards and specifications;

''(B) conservation compliance;

''(C) appeals;

''(D) adjusted gross income limitations;

''(E) direct attribution; and

''(F) such other similar functions as the Secretary might designate.

''(2) FLEXIBILITY.—The Secretary may adjust eligibility criteria, approved practices, practice standards, innovative conservation practices, and other elements of the programs described in subsection (b) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments would—

''(A) improve environmental enhancement and long-term sustainability of the natural resource base; and

''(B) be consistent with the purposes of the program and the special project and initiative.

''(3) PREFERENTIAL ENROLLMENT.—Subject to the limitations under subsection (j), the Secretary shall provide preferential enrollment to producers that are eligible—

''(A) for the applicable program described in subsection (b); and

''(B) to participate in the special project and initiative of an eligible partner.

''(i) COST SHARE.—The Secretary shall not require more than 25 percent of the cost of a project or initiative supported under a grant or agreement entered into under this section to come from non-Federal sources. However, the Secretary may give higher priority to projects or initiatives offering to cover a higher percentage of the cost of the project or initiative from non-Federal sources.

''(j) INCENTIVE AND BONUS PAYMENTS.—

''(1) AVAILABILITY.—Applications submitted under subsection (d)(2) may include proposals for special incentive and bonus payments, consistent with the statutory purposes of the programs involved, to producers that—

''(A) restore land, water, or habitat as a community development asset; or

''(B) provide public access to enrolled land.

''(2) CRITERIA.—The Secretary shall develop and publish criteria for providing special incentive or bonus payments to producers under paragraph (1).

''(k) FUNDING.—

''(1) SET-ASIDE.—Of the funds provided for each of fiscal years 2008 through 2012 to implement the programs specified in subsection (b), the Secretary shall reserve 10 percent to ensure an adequate source of funds for grants, agreements, financial assistance to producers under this section.

''(2) ALLOCATION TO STATES.—The Secretary shall allocate to States 90 percent of the funds reserved under paragraph (1) for a fiscal year to allow State Conservationists, with the advice of State technical committees, to select projects and initiatives for funding under this section at the State level. The Secretary shall develop criteria for this allocation made on a similar basis as to the program priorities under subsection (f).

''(3) UNUSED FUNDING.—Any funds reserved for a fiscal year under paragraph (1) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under conservation programs under subtitle D during the remainder of that fiscal year.

''(4) ADMINISTRATIVE COSTS FUNDING CAP.—Of the funds made available under this section for a particular project or initiative, not more than 5 percent may be expended by the eligible entity on the administrative costs of the project or initiative.''.

SEC. 2404. REGIONAL EQUITY AND FLEXIBILITY.

Section 1241(d) of the Food Security Act of 1985 (16 U.S.C. 3841(d)) is amended by striking ''$12,000,000'' and inserting ''$15,000,000''.

SEC. 2405. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

(a) INCENTIVES FOR CERTAIN PRODUCERS.—Section 1244(a) of the Food Security Act of 1985 (16 U.S.C. 3844(a)) is amended—

(1) in the subsection heading, by striking ''BEGINNING'' and inserting ''INCENTIVES FOR CERTAIN'';

(2) by inserting '', socially disadvantaged farmers and ranchers, limited resource farmers and ranchers,'' after ''beginning farmers and ranchers''; and

(3) by striking ''and limited resource agricultural producers''.

(b) SINGLE, SIMPLIFIED APPLICATION PROCESS FOR CONSERVATION PROGRAMS.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844), as amended by section 2403, is amended by adding at the end the following new subsection:

''(f) SINGLE, SIMPLIFIED APPLICATION PROCESS.—

''(1) ESTABLISHMENT.—In carrying out any of the conservation programs under this title administered by the Natural Resources Conservation Service, the Secretary shall establish and make available to producers and landowners a single, simplified application process to be used by producers and landowners in initially requesting assistance under such programs. The Secretary shall ensure that—

''(A) conservation program applicants are not required to provide information that duplicates information and resources already available to the Secretary regarding that applicant and for that specific operation; and

''(B) the application process is streamlined to minimize complexity and redundancy.

''(2) REVIEW OF APPLICATION PROCESS.—The Secretary shall review the conservation application process and the forms and related mechanisms used to receive assistance requests from producers and landowners. The purpose of the review shall be to determine what information the applicant is actually required to submit during the application process, including—

''(A) identification information for the applicant;

''(B) identification and location information for the land parcel or tract of concern;

''(C) a general statement of the applicant's resource concern or concerns for the land parcel or tract; and

''(D) the minimum amount of other information the Secretary considers essential for the applicant to provide.

''(3) REVISION AND STREAMLINING.—The Secretary shall carry out a revision of the application forms and processes for conservation programs covered in this subsection to enable utilization of information technology as an avenue to incorporate appropriate data and information concerning the conservation needs and solutions appropriate for the land area identified by the applicant. The revision shall seek to streamline the application process to minimize the burden placed on the applicant.

''(4) CONSERVATION PROGRAM APPLICATION.—When the needs of an applicant are adequately assessed by the Secretary, directly or through a third-party provider under section 1242, in order to determine the conservation programs under this title that best match the needs of the applicant, with the approval of the applicant, the Secretary may convert the initial application into a specific application for assistance for a specific program. To the maximum extent practical, the specific application for conservation program assistance shall be carried out by the Secretary by requesting only that specific further information from the applicant that is not already available to the Secretary.

''(5) IMPLEMENTATION AND NOTIFICATION.—Not later than one year after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary shall complete the requirements of this subsection and shall submit to Congress a written notification of such completion.''.

SEC. 2406. ANNUAL REPORT ON PARTICIPATION BY SPECIALTY CROP PRODUCERS IN CONSERVATION PROGRAMS.

(a) REPORT REQUIRED.—Subtitle F of title XII of the Food Security Act of 1985 is amended by inserting after section 1251 (16 U.S.C. 2005a) the following new section:

''SEC. 1252. ANNUAL REPORT ON PARTICIPATION BY SPECIALTY CROP PRODUCERS IN CONSERVATION PROGRAMS.

''(a) REPORT REQUIRED.—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 an annual report that—

''(1) documents and analyzes the participation by producers of specialty crops in conservation programs under subtitle D, including the conservation security program and the environmental quality incentives program;

''(2) tracks such participation by crop and livestock type; and

''(3) describes the results of implementing the plan required by subsection (b), as well as any modifications to the plan that the Secretary finds necessary to increase its effectiveness.

''(b) ACCESS PLAN.—As part of each report submitted under subsection (a), the Secretary shall set forth a plan to improve the access of producers of specialty crops to, and their participation in, conservation programs under subtitle D. In developing the plan, the Secretary shall consult with organizations representing producers of specialty crops.

''(c) SPECIALTY CROP DEFINED.—In this section, the term 'specialty crop' has the meaning given such term by section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).''.

(b) INITIAL REPORT.—The first report required under section 1252 of the Food Security Act of 1985, as added by subsection (a), shall be submitted not later than 180 days after the date of the enactment of this Act. Subsection (a)(2) of such section shall not apply with respect to the first report.

SEC. 2407. PROMOTION OF MARKET-BASED APPROACHES TO CONSERVATION.

(a) FINDINGS.—Congress finds the following:

(1) Many of the conservation and environmental benefits produced on farms, ranches, and private forest lands in the United States do not have an assigned value in the market place or lack a private market altogether.

(2) While private markets for environmental goods and services are emerging, their viability has been hampered by several barriers.

(3) The Federal Government can help overcome these barriers and promote the establishment of markets for agricultural and forestry conservation activities.

(4) Generating substantial private-sector demand for environmental goods and services hinges on the ability to use environmental credits generated by agricultural and forest conservation activities.

(b) MARKET-BASED APPROACHES.—Subtitle E of title XII of the Food Security Act of 1985 is amended by inserting after section 1244 (16 U.S.C. 3844) the following new section:

''SEC. 1245. MARKET-BASED APPROACHES TO CONSERVATION.

''(a) IMPLEMENTATION.—To facilitate the development and effective operation of private sector market-based approaches for environmental goods and services produced by farmers, ranchers, and owners of private forest land, the Secretary may conduct research and analysis, enter into contracts and cooperative agreements, and award grants for the purpose of—

''(1) promoting the development of consistent standards and processes for quantifying environmental benefits, including the creation of performance standards or baselines;

''(2) promoting the establishment of reporting and credit registries, including third-party verification and certification; and

''(3) promoting actions that facilitate the development and functioning of private-sector market-based approaches for environmental goods and services involving agriculture and forestry.

''(b) ENVIRONMENTAL SERVICES STANDARDS BOARD.—

''(1) ESTABLISHMENT.—There is to be established an Environmental Services Standards Board to develop consistent performance standards for quantifying environmental services from land management and agricultural activities in order to facilitate the development of credit markets for conservation and land management activities that are agriculture or forest based.

''(2) CHAIRPERSON.—The Secretary of Agriculture shall serve as chair of the Environmental Services Standards Board.

''(3) MEMBERSHIP.—The Environmental Services Standards Board shall be comprised of the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Energy, the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Commander of the Army Corps of Engineers, and such other representatives as determined by the President.

''(4) SUBCOMMITTEES.—The Environmental Services Standards Board may form subcommittees to address specific issues.

''(c) DISSEMINATION OF PERFORMANCE STANDARDS.—Federal agencies are authorized to adopt performance standards developed by the Environmental Services Standards Board for quantifying environmental services that establish credits to meet requirements of environmental and conservation programs.

''(d) FUNDING .—There is authorized to be appropriated $50,000,000 to carry out this section. Amounts so appropriated shall remain available until expended.

''(e) DEFINITIONS.—In this section:

''(1) BASELINE.—The term 'baseline' means a level of effort or performance that is expected to be met before an entity can generate marketable credits.

''(2) PERFORMANCE STANDARD.—The term 'performance standard' means a defined level of environmental performance, expressed as a narrative or measurable number, which specifies the minimum acceptable environmental performance of an operation or practice.''.

SEC. 2408. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES AND THEIR RESPONSIBILITIES.

Subtitle G of title XII of the Farm Security Act of 1985 (16 U.S.C. 3861, 3862) is amended to read as follows:

"Subtitle G—State Technical Committees

"SEC. 1261. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES.

''(a) ESTABLISHMENT.—The Secretary shall establish a technical committee in each State to assist the Secretary in the considerations relating to implementation and technical aspects of the conservation programs under this title.

''(b) COMPOSITION.—Each State technical committee shall be composed of agricultural producers and other professionals that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. The technical committee for a State shall include representatives from among the following:

''(1) The Natural Resources Conservation Service.

''(2) The Farm Service Agency.

''(3) The Forest Service.

''(4) The Cooperative State Research, Education, and Extension Service.

''(5) The State fish and wildlife agency.

''(6) The State forester or equivalent State official.

''(7) The State water resources agency.

''(8) The State department of agriculture.

''(9) The State association of soil and water conservation districts.

''(10) At least 12 agricultural producers representing the variety of crops and livestock or poultry grown within the State.

''(11) Nonprofit organizations within the meaning of section 501(c)(2) of the Internal Revenue Code of 1986 with demonstrable conservation expertise and experience working with agriculture producers in the State.

''(12) Agribusiness.

''(c) SUBCOMMITTEES.—A State technical committee shall convene one or more subcommittees to provide technical guidance and implementation recommendations. The topics that a subcommittee shall address shall include, at a minimum, the following:

''(1) Establishing priorities and criteria for State initiatives under the programs in this title, including the review of whether local working groups are addressing those priorities.

''(2) Issues related to private forestlands protection and enhancement.

''(3) Issues related to water quality and water quantity.

''(4) In those States where applicable, issues related to air quality.

''(5) Issues related to wildlife habitat, including the protection of nesting wildlife.

''(6) Issues related to wetland protection, restoration, and mitigation requirements.

''(7) Other issues as the Secretary determines would be useful.

"SEC. 1262. RESPONSIBILITIES.

''(a) IN GENERAL.—Each State technical committee established under section 1261 shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this title.

''(b) PUBLIC NOTICE AND ATTENDANCE.—Each State technical committee shall provide public notice of, and permit public attendance at, meetings considering issues of concern related to carrying out this title.

''(c) ADVISORY ROLE.—The role of a State technical committee is advisory in nature, and the committee shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of the committee in administering the programs under this title.

''(d) FACA REQUIREMENTS.—Except as provided in subsection (b), a State technical committee, including any subcommittee of State technical committee, is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 2409. PAYMENT LIMITATIONS.

(a) IN GENERAL.—The Food Security Act of 1985 is amended by inserting after section 1245, as added by section 2407, the following new section:

"SEC. 1246. PAYMENT LIMITATIONS.

''(a) PAYMENTS FOR CONSERVATION PRACTICES.—The total amount of payments that a person or a legal entity (except a joint venture or a general partnership) may receive, directly or indirectly, in any fiscal year shall not exceed—

''(1) $60,000 from any single program under this title or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524(b)); or

''(2) $125,000 from more than one program under this title and as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act.

''(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply with respect to the following:

''(1) The wetlands reserve program under subchapter C of chapter 1 of subtitle D.

''(2) The farm and ranchland protection program under subchapter B of chapter 2 of such subtitle.

''(3) The grassland reserve program under subchapter C of chapter 2 of such subtitle.

''(c) DIRECT ATTRIBUTION.—

''(1) IN GENERAL.—In implementing the payment limitations in subsection (a), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive such payments.

''(2) PAYMENTS TO A PERSON.—Every payment made directly to a person shall be combined with the person's pro rata interest in payments received by a legal entity in which the person has a direct or indirect ownership interest.

''(3) PAYMENTS TO A LEGAL ENTITY.—

''(A) IN GENERAL.—Every payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity.

''(B) ATTRIBUTION OF PAYMENTS.—

''(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsection (a).

''(ii) EXCEPTION.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsection (a), the amount determined by multiplying the maximum payment amount specified in subsection (a) by the number of persons and legal entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.''.

(b) CONFORMING AMENDMENTS.—

(1) EXISTING PAYMENT LIMITATIONS IN CONSERVATION PROGRAMS.—Title XII of the Food Security Act of 1985 is amended—

(A) in section 1234 (16 U.S.C. 3834) by striking subsection (f);

(B) in section 1238C (16 U.S.C. 3838c), as amended by section 2103, by striking subsections (d) and (e); and

(C) by striking section 1240G (16 U.S.C. 3839aa–7).

(2) AGRICULTURAL MANAGEMENT ASSISTANCE.—Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524) is amended by striking paragraph (3).

Subtitle E—Miscellaneous Provisions

SEC. 2501. INCLUSION OF INCOME FROM AFFILIATED PACKING AND HANDLING OPERATIONS AS INCOME DERIVED FROM FARMING FOR APPLICATION OF ADJUSTED GROSS INCOME LIMITATION ON ELIGIBILITY FOR CONSERVATION PROGRAMS.

Section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)) is amended by inserting ''(including, for purposes of paragraph (2)(C), affiliated packing and handling operations)'' after ''derived from farming''.

SEC. 2502. ENCOURAGEMENT OF VOLUNTARY SUSTAINABILITY PRACTICES GUIDELINES.

In administering this title and the amendments made by this title, the Secretary of Agriculture may encourage the development of voluntary sustainable practices guidelines for producers and processors of specialty crops.

SEC. 2503. FARMLAND RESOURCE INFORMATION.

(a) DEVELOPMENT AND DISSEMINATION OF FARMLAND RESOURCE INFORMATION.—The Secretary of Agriculture shall design and implement educational programs and materials emphasizing the importance of productive farmland to the Nation's well-being and distribute educational materials through communications media, schools, groups, and other Federal agencies. The Secretary shall carry out this subsection through existing agencies or interagency groups and in cooperation with nonprofit organizations and the cooperative extension services of States.

(b) FARMLAND INFORMATION CENTERS.—The Secretary shall designate 1 or more farmland information centers to provide technical assistance and serve as central depositories and distribution points for information on farmland issues. Information provided by a center shall include online access to data on land cover and use changes and trends and literature, laws, historical archives, policies, programs, and innovative actions or proposals by local and State governments or nonprofit organizations related to farmland protection.

(c) FUNDING.—Funds for the farmland information centers designated under subsection (b) shall be provided using funds made available for the farm and ranchland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.). Such funding for a fiscal year shall not exceed one-half of 1 percent of the funds made available for the farm and ranchland protection program for that fiscal year, but no less than $400,000 annually.

(d) MATCHING FUNDS.—Federal funding for a farmland information center designated under subsection (b) shall be matched with non-Federal funds, through cash or in-kind contributions.

TITLE III—TRADE

Sec. 3001. Agricultural Trade Development and Assistance Act of 1954.
Sec. 3002. Export credit guarantee program.
Sec. 3003. Market access program.
Sec. 3004. Food for Progress Act of 1985.
Sec. 3005. McGovern-Dole International Food for Education and Child Nutrition program.
Sec. 3006. Bill Emerson Humanitarian Trust.
Sec. 3007. Technical assistance for specialty crops.
Sec. 3008. Technical assistance for the resolution of trade disputes.
Sec. 3009. Representation by the United States at international standard-setting bodies.
Sec. 3010. Foreign market development cooperator program.
Sec. 3011. Emerging markets.
Sec. 3012. Export Enhancement Program.
Sec. 3013. Minimum level of nonemergency food assistance.
Sec. 3014. Germplasm conservation.

SEC. 3001. AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

(a) PURPOSE OF PROGRAM.—Section 201 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721) is amended so that paragraph (1) reads as follows:

''(1) address famine and food crises and respond to emergency food needs arising from manmade disasters, and natural disasters.''.

(b) SUPPORT FOR ELIGIBLE ORGANIZATIONS.—Section 202(e)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722(e)(1)) is amended—

(1) by striking ''not less than 5 percent nor more than 10 percent of the funds'' and inserting ''not less than 7 percent nor more than 12 percent of the funds'';

(2) striking ''and'' at the end of subparagraph (A);

(3) striking the period at the end of subparagraph (B) and inserting ''; and''; and

(4) inserting after subparagraph (B) the following:

''(C) developing, implementing and improving monitoring systems of programs receiving funds under this title.''.

(c) GENERATION AND USE OF CURRENCIES BY PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.—Subsection (b) of section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended by striking ''1 or more recipient countries'' and inserting ''in 1 or more recipient countries''.

(d) LEVELS OF ASSISTANCE.—Section 204(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1) by striking ''2002 through 2007'' and inserting ''2008 through 2012''; and

(2) in paragraph (2) by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

(e) 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 ''2007'' and inserting ''2012''.

(f) DENIAL OF PROPOSALS.—Paragraph (3) of section 207(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a(a)) is amended to read as follows:

''(3) DENIAL.—If a proposal under paragraph (1) is denied, the response shall specify the reasons for denial.''.

(g) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a) is amended by adding at the end the following:

''(f) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary, shall establish systems to improve, monitor, and evaluate the effectiveness and efficiency of assistance provided under this title in order to maximize the impact of such assistance. Such systems shall include the following:

''(A) program monitors in countries receiving assistance under this title;

''(B) country and regional food aid impact evaluations;

''(C) evaluations of best practices for food aid programs;

''(D) evaluation of monetization programs;

''(E) early warning assessments to prevent famines; and

''(F) upgraded information technology systems.

''(2) IMPLEMENTATION REPORT.—Not later than 180 days after the date of enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Administrator shall submit to the appropriate congressional committees a report on efforts undertaken to implement (1).

''(3) ANNUAL REPORT.—Not later than February 1 of each year, the Administrator shall submit to the appropriate congressional committees a report assessing the systems implemented under paragraph (1) and their impact on the effectiveness and efficiency of assistance provided under this title.

''(4) FUNDING.—In addition to other funds made available for the Administrator to perform monitoring of emergency food assistance, the Administrator may implement this subsection using up to $15,000,000 of funds made available under this title for each of the fiscal years 2008 through 2012, except for paragraph (1)(F), for which only $2,500,000 shall be made available during fiscal year 2008.''.

(h) SHELF-STABLE PREPACKAGED FOODS.—Section 208(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726b(f)) is amended—

(1) by striking ''2007'' and insert ''2012''; and

(2) by striking ''$3,000,000'' and inserting ''$7,000,000''

(i) PREPOSITIONING.—Section 407(c)(4) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(4)) is amended—

(1) by striking ''2007'' and inserting ''2012''; and

(2) by striking ''$2,000,000'' and inserting ''$8,000,000''.

(j) ANNUAL REPORTS.—Section 407(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(f)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by adding at the end before the semicolon the following: '', and the amount of funds, tonnage levels, and types of activities for non-emergency food assistance programs under title II of this Act'';

(B) in subparagraph (C), by adding at the end before the semicolon the following: '', and a general description of the projects and activities implemented''; and

(C) so that subparagraph (D) reads as follows:

''(D) an assessment of the progress toward reducing food insecurity in the populations receiving food assistance from the United States.''; and

(2) in paragraph (3), by striking ''January 15'' and inserting ''March 1''.

(k) EXPIRATION OF ASSISTANCE.—Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking ''2007'' and inserting ''2012''.

(l) MICRONUTRIENT FORTIFICATION PROGRAM .—Section 415(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g–2) is amended by striking ''2007'' and inserting ''2012''.

(m) JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.—

(1) MINIMUM FUNDING.—Section 501(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(d)) is amended—

(A) by inserting ''or $10,000,000, whichever amount is greater,'' after ''not less than 0.5 percent''; and

(B) by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 501(e) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(e)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) IN GENERAL.—To carry out programs under this section, there is authorized to be appropriated for each of fiscal years 2008 through 2012 the following amounts:

''(A) $10,000,000 for sub-Saharan African and Caribbean Basin countries.

''(B) $5,000,000 for all other countries not included in subparagraph (A).''.

(n) REFERENCES TO COMMITTEE.—The Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) is amended by striking ''Committee on International Relations'' each place it appears and inserting ''Committee on Foreign Affairs''.

SEC. 3002. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REPEAL OF SUPPLIER CREDIT GUARANTEE PROGRAM AND INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM.—

(1) REPEALS.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''(1)'' and all that follows through ''The Commodity'' and inserting ''The Commodity''; and

(ii) by striking paragraphs (2) and (3);

(B) by striking subsections (b) and (c); and

(C) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively.

(2) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(A) in section 202 (7 U.S.C. 5622)—

(i) in subsection (b)(4) (as redesignated by paragraph (1)(C)), by striking '', consistent with the provisions of subsection (c)'';

(ii) in subsection (d) (as redesignated by paragraph (1)(C))—

(I) by striking ''(1)'' and all that follows through ''The Commodity'' and inserting ''The Commodity''; and

(II) by striking paragraph (2); and

(iii) in subsection (g)(2) (as redesignated by paragraph (1)(C)), by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''; and

(B) in section 211 (7 U.S.C. 5641), by striking subsection (b) and inserting the following:

''(b) EXPORT CREDIT GUARANTEE PROGRAMS.—(1) The Commodity Credit Corporation shall make available for each of fiscal years 2008 through 2012 not less than $5,500,000,000 in credit guarantees under section 202(a).

''(2) Section 202(k)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(k)(1)) is amended by striking '2007' and inserting '2012'.''.

SEC. 3003. MARKET ACCESS PROGRAM.

(a) ORGANIC COMMODITIES.—Section 203(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(a)) is amended by inserting after ''agricultural commodities'' the following: ''(including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502))''.

(b) FUNDING.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking '', and $200,000,000 for each of fiscal years 2006 and 2007'' and inserting ''$200,000,000 for each of fiscal years 2006 and 2007, and $225,000,000 for each of fiscal years 2008 through 2012''.

(c) AVAILABILITY OF FUNDS FOR ACTIVITIES TO DEVELOP, MAINTAIN, OR EXPAND FOREIGN MARKETS FOR LEAF TOBACCO.—Section 1302(b)(3) of the Agricultural Reconciliation Act of 1993 (7 U.S.C. 5623 note) is amended by inserting '', other than leaf tobacco'' after ''tobacco''.

SEC. 3004. FOOD FOR PROGRESS ACT OF 1985.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 3005. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 3107(l)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(l)(2)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 3006. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended by striking ''2007'' each place it appears in subsection (b)(2)(B)(i) and paragraphs (1) and (2) of subsection (h) and inserting ''2012''.

SEC. 3007. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is amended so that subsection (d) reads as follows:

''(d) FUNDING.—

''(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

''(2) FUNDING AMOUNT.—The Secretary shall use the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation to carry out this section —

''(A) $4,000,000 for fiscal year 2008;

''(B) $6,000,000 for fiscal year 2009;

''(C) $8,000,000 for fiscal year 2010;

''(D) $10,000,000 for each of fiscal years 2011 through 2012.''.

SEC. 3008. TECHNICAL ASSISTANCE FOR THE RESOLUTION OF TRADE DISPUTES.

(a) IN GENERAL.—The Secretary of Agriculture may provide monitoring, analytic support, and other technical assistance to limited resource persons and organizations associated with agricultural trade (as determined by the Secretary) to address unfair trade practices of foreign countries and to reduce trade barriers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as necessary to carry out subsection (a).

SEC. 3009. REPRESENTATION BY THE UNITED STATES AT INTERNATIONAL STANDARD-SETTING BODIES.

(a) IN GENERAL.—Pursuant to the authority of the Secretary provided by section 1458(a)(3) of the Food and Agriculture Act of 1977 (7 U.S.C. 3291(a)(3)), the Secretary is authorized to enhance United States support for international organizations, including the Food and Agriculture Organization, the Codex Alimentarius Commission, the International Plant Protection Convention, and the World Organization for Animal Health, that establish international standards regarding food, food safety, plants, and animals, respectively, by funding additional positions of Associate Professional Officers to address sanitary and phytosanitary priorities of the United States within applicable international organizations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section for each of fiscal years 2007–2012.

SEC. 3010. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 3011. EMERGING MARKETS.

The Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended in each of subsections (a) and (d)(1)(A)(i) by striking ''2007'' and inserting ''2012.

SEC. 3012. EXPORT ENHANCEMENT PROGRAM.

Section 301(e)(1)(G) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)(G)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 3013. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended by inserting at the end the following new subsection:

''(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

''(1) FUNDS.—Of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $450,000,000 for each of fiscal years 2008 through 2012 shall be expended for nonemergency food assistance programs under title II.

''(2) EXCEPTION.—The Administrator may use less than the amount specified in paragraph (1) for a fiscal year for nonemergency food assistance programs under title II if—

''(A) the Administrator submits to the Committees on International Relations, Agriculture, and Appropriations of the House of Representatives and the Committees on Appropriations and Agriculture, Nutrition, and Forestry of the Senate a report requesting the reduction and containing the reasons for the reduction; and

''(B) following submission of the report, Congress enacts a law approving the Administrator's request.''.

SEC. 3014. GERMPLASM CONSERVATION.

(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to endow the Global Crop Diversity Trust (in this section referred to as the ''Trust'') to assist in the conservation of genetic diversity in food crops through the collection and storage of the germplasm of such crops in a manner that provides for—

(1) the maintenance and storage of seed collections;

(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;

(3) building the capacity of seed collection in developing countries;

(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (for example, through the provision of an accessible Internet site);

(5) the operation and maintenance of a back-up facility wherein is stored duplicate samples of seeds, as a hedge against natural or man-made disasters; and

(6) oversight designed to ensure international coordination of these actions and efficient, public accessibility to this diversity through a cost-effective system.

(b) UNITED STATES CONTRIBUTION LIMIT.—The aggregate contributions of United States Government funds provided to the Trust shall not exceed 25 percent of the total of the funds contributed to the Trust from all sources.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section a total of $60,000,000 over the period of fiscal year 2008 through fiscal year 2012.

TITLE IV—NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

Sec. 4001. Renaming the food stamp program.
Sec. 4002. Definition of drug addiction or alcoholic treatment and rehabilitation program.
Sec. 4003. Nutrition education.
Sec. 4004. Food distribution on Indian reservations.
Sec. 4005. Deobligate food stamp coupons.
Sec. 4006. Allow for the accrual of benefits.
Sec. 4007. State option for telephonic signature.
Sec. 4008. Review of major changes in program design.
Sec. 4009. Grants for simple application and eligibility determination systems and improved access to benefits.
Sec. 4010. Civil money penalties and disqualification of retail food stores and wholesale food concerns.
Sec. 4011. Major systems failures.
Sec. 4012. Funding of employment and training programs.
Sec. 4013. Reductions in payments for administrative costs.
Sec. 4014. Cash payment pilot projects.
Sec. 4015. Findings of Congress regarding Secure Supplemental Nutrition Assistance program nutrition education.
Sec. 4016. Nutrition education and promotion initiative to address obesity.
Sec. 4017. Authorization of appropriations.
Sec. 4018. Consolidated block grants for Puerto Rico and American Samoa.
Sec. 4019. Study on comparable access to Secure Supplemental Nutrition Assistance Program benefits for Puerto Rico.
Sec. 4020. Reauthorization of community food project competitive grants.
Sec. 4021. Emergency food assistance.

Subtitle B—Commodity Distribution

Sec. 4201. Authorization of appropriations.
Sec. 4202. Distribution of surplus commodities; special nutrition projects.
Sec. 4203. Commodity distribution program.

Subtitle C—Child Nutrition and Related Programs

Sec. 4301. Purchase of fresh fruits and vegetables for distribution to schools and service institutions.
Sec. 4302. Buy American requirements.
Sec. 4303. Expansion of fresh fruit and vegetable program.
Sec. 4304. Purchases of locally produced foods.

Subtitle D—Miscellaneous

Sec. 4401. Seniors farmers' market nutrition program.
Sec. 4402. Congressional Hunger Center.
Sec. 4403. Joint nutrition monitoring and related research activities.

Subtitle A—Food Stamp Program

SEC. 4001. RENAMING THE FOOD STAMP PROGRAM.

(a) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—

(1) REFERENCES AMENDED.—The provisions of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)—

(A) specified in paragraph (2)(A) are amended in the section heading by striking ''**FOOD STAMP**'' each place it appears and inserting ''**SECURE SUPPLEMENTAL NUTRITION ASSISTANCE**'';

(B) specified in paragraph (2)(B) are amended in the subsection heading by striking ''FOOD STAMP'' each place it appears and inserting ''SECURE SUPPLEMENTAL NUTRITION ASSISTANCE'';

(C) specified in paragraph (2)(C) are amended by striking each place it appears ''food stamp recipient'' and inserting ''member of a household that receives Secure Supplemental Nutrition Assistance Program benefits'',

(D) specified in paragraph (2)(D) are amended by striking ''food stamp recipients'' each place it appears and inserting ''members of households that receive Secure Supplemental Nutrition Assistance Program benefits'',

(E) specified in paragraph (2)(E) are amended by striking ''food stamp households'' each place it appears and inserting ''households that receive Secure Supplemental Nutrition Assistance Program benefits'';

(F) specified in paragraph (2)(F) are amended by striking ''Simplified Food Stamp Program'' each place it appears and inserting ''Simplified Secure Supplemental Nutrition Assistance Program'';

(G) specified in paragraph (2)(H) are amended by striking ''food stamp participants'' each place it appears and inserting ''participants in the Secure Supplemental Nutrition Assistance Program'';

(H) specified in paragraph (2)(I) are amended by striking ''food stamp informational activities'' each place it appears and inserting ''informational activities relating to the Secure Supplemental Nutrition Assistance Program'';

(I) specified in paragraph (2)(J) are amended by striking ''food stamp caseload'' each place it appears and inserting ''caseload under the Secure Supplemental Nutrition Assistance Program'';

(J) specified in paragraph (2)(K) are amended by striking ''State's food stamp households'' each place it appears and inserting ''the number of households in the State receiving Secure Supplemental Nutrition Assistance Program benefits'';

(K) specified in paragraph (2)(L) are amended in the section heading by striking ''**FOOD STAMP PORTION**'' each place it appears and inserting ''**SECURE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**'';

(L) specified in paragraph (2)(M) are amended by striking ''food stamps'' each place it appears and inserting ''Secure Supplemental Nutrition Assistance Program benefits'';

(M) specified in paragraph (2)(N) are amended by striking ''Food stamp program'' each place it appears and inserting ''Secure Supplemental Nutrition Assistance Program'';

(N) specified in paragraph (2)(o) are amended by striking ''food stamp program benefits'' each place it appears and inserting ''Secure Supplemental Nutrition Program benefits''; and

(O) specified in paragraph (2)(O) are amended by striking ''food stamp program'' each place it appears and inserting ''Secure Supplemental Nutrition Assistance Nutrition Program''.

(2) PROVISIONS REFERRED TO.—The provisions of the of the Food Stamp Act of 1977 referred to in paragraph (1) are the following:

(A) Sections 4 and 26.

(B) Section 6(j).

(C) Section 6(o)(6)(A)(ii).

(D)(i) Subparagraphs (D) and (E) of section 6(o)(6);

(ii) sections 16(h)(1)(E)(i) and 12(a); and

(iii) paragraphs (1)(B)(ii)(II) and (3)(B) of section 17(b).

(E) Sections 7(h)(3)(B)(ii), 9(b)(1), 12(a), and 17(b)(1)(B)(ii)(I).

(F) Sections 11(e)(25) and 26(b).

(G) Section 11(f)(2)(B).

(H) Section 16(a).

(I) Section 16(e)(9)(C).

(J) Section 17(b)(1)(B)(iii)(I).

(K) Section 22.

(L)(i) Subsections (d)(3) and (o)(6)(A)(i) of section 6;

(i) paragraphs (2)(B)(v)(II) and (14) of section 11(e);and

(i) sections 12(e)(16), 17(b)(3)(C), and 18(a)(3)(A)(ii).

(M) Section 3(h)

(N)(i) In section 6—

(I) subsection (h); and

(II) in subsection (o)—

(aa) paragraph (2); and

(bb) subclauses (IV) and (V) of paragraph (6)(A)(ii).

(ii) Section 7(k)(2).

(iii) In section 11—

(I) subsection (e)(25)(A);

(II) paragraphs (1), (2), and (3) of subsection (s); and

(III) subsection (t)(1)(B).

(iv) In section 17—

(I) subsection (a)(2);

(II) paragraphs (1)(A), (2), and (3)(D) of subsection (b);

(III) paragraphs (1)(B), (2)(C)(ii), and (3)(E) of subsection (d); and

(IV) subsections (e) and (f).

(v) Section 21(d)(3).

(O)(i) Sections 2, 3(h), and 4.

(ii) In section 5—

(I) subsections (a), (b), (c), and (d);

(II) clauses (ii)(III) and (iv)(IV) of subsection (e)(6)(C);

(III) paragraphs (1), (3), and (6)(B)(iv) of subsection (g); and

(IV) subsections (h)(2)(A) and (k)(4)(B).

(iii) In section 6—

(I) subsections (a) and (b);

(II) in subsection (d)(1)—

(aa) subparagraphs (A) and (B);

(bb) clauses (i), (ii), and (iii) of subparagraph (C); and

(cc) clauses (v) and (vi) of subparagraph (D);

(III) paragraphs (2)(C), (3), and (4)(A)(i) of subsection (d);

(IV) subsections (e), (f), and (h);

(V) paragraphs (1) and (2) of subsection (i); and

(VI) subsections (j), (k), (l)(1), (m)(1), (n), (o)(5)(A);

(iv) In section 7—

(I) subsections (a), (b), and (g);

(II) paragraphs (1) and (2)(B) of subsection (j); and

(III) in subsection (k)—

(aa) paragraph (3); and

(bb) subparagraphs (B)(ii) and (C) of paragraph (4).

(v) In section 8—

(I) subsections (a), (c)(2), and (d)(2);

(II) in subsection (f)—

(aa) clauses (i)(II)(aa), (ii)(I), and (iv) of paragraph (1)(D), and

(bb) paragraph (3)(B)(ii)(II)(bb).

(vi) In section 9—

(I) paragraphs (1) and (3) of subsection (a); and

(II) subsections (b)(1), (d), (e), and (g).

(vii) In section 11—

(I) subsections (c) and (d);

(II) in subsection (e)—

(aa) paragraph (1)(A);

(bb) clauses (i) and (iv) of paragraph (2)(B); and

(cc) paragraphs (10), (17), (20)(B), and (22);

(III) subsections (f)(1), (g), (i), and (j)(1);

(IV) paragraphs (1), (2), (3), and (4) of subsection (o);

(V) subsections (p) and (q); and

(VI) paragraphs (2)(A) and (B)(4)(A) of subsection (t).

(viii) Sections 12(a) and 14(a)(1).

(ix) Subsections (b)(1) and (c) of section 15.

(x) In section 16—

(I) subsection (a);

(II) paragraph (1), (2), and (3) of subsection (b);

(III) in subsection (c)—

(aa) the matter preceding subparagraph (A);

(bb) subparagraphs (D)(i)(II) and (F)(iii)(I) of paragraph (1); and

(cc) subparagraphs (A), (B), and (C) of paragraph (9);

(IV) subsections (e), (g), and (i)(1); and

(V) in subsection (k)—

(aa) subparagraphs (A) and (B) of paragraph (2);

(bb) subparagraphs (A) and (B)(i) of paragraph (3); and

(cc) subparagraphs (A)(ii) and (B)(iv)(II) of paragraph (5).

(xi) In section 17—

(I) subsection (a)(1);

(II) in subsection (b)—

(aa) subparagraphs (A) and (B)(i) of paragraph (1); and

(bb) subparagraph (2);

(III) subsection (c);

(IV) subparagraphs (A) and (C) of subsection (d) (2); and

(V) subsections (e), (g), and (h)(2).

(xii) Subsections (a)(3)(D), (b), (d), and (e) of section 18.

(xiii) Subsections (a)(1) and (f) of section 20.

(xiv) In section 21—

(I) subsection (a);

(II) in subsection (b)—

(aa) in paragraph (2)—

(AA) clause (i) and (ii) of subparagraph (A);

(BB) subparagraphs (B) and (C)(i);

(CC) clause (ii), and subclauses (II), (III), and (IV) of clause (iii), of subparagraph (F); and

(DD) subparagraph (G)(i);

(bb) paragraph (3);

(cc) in paragraph (4)—

(AA) subparagraphs (A) and (B); and

(BB) the flush text at the end;

(dd) paragraphs (5) and (7);

(III) subsection (C)(2)(B);

(IV) paragraphs (1)(A), (2), and (3) of subsection (d); and

(V) paragraphs (1) and (2) of subsection (f).

(xv) In section 22—

(I) subsection (a)(1);

(II) in subsection (b)—

(aa) paragraph (2);

(bb) in paragraph (3)—

(AA) subparagraphs (A) and (B)(ii);

(BB) clauses (ii) and (iii) of subparagraph (C);

(CC) subparagraph (D)(ii); and

(DD) clauses (i), (ii), and (iv) of subparagraph (E);

(cc) paragraph (5);

(dd) subparagraphs (B) and (C) of paragraph (6);

(ee) subparagraphs (A) and (B) of paragraph (7);

(ff) paragraphs (8) and (9);

(gg) in paragraph (10)—

(AA) subparagraph (A)

(BB) clauses (i) and (ii) of subparagraph (B); and

(CC) subparagraph (C); and

(hh) paragraphs (11), (12), and (13);

(III) in subsection (d)—

(aa) paragraph (1)(B)(i); and

(bb) paragraph (3); and

(IV) subsections (g)1 and (h).

(xvi) Section 23(c).

(xvii) In section 26—

(I) subparagraphs (B) and (C) of subsection (c)(4); and

(II) subsection (f)(1).

(b) REFERENCES IN OTHER LAWS, DOCUMENT, AND RECORDS OF THE UNITED STATES.—In any law (excluding the Food Stamp Act of 1977), regulation, rule, document, or record of the United States—

(1) a reference to food stamp recipients shall be deemed to be a reference to recipients of Secure Supplemental Nutrition Assistance Program benefits;

(2) a reference to food stamp households shall be deemed to be a reference to households that receive Secure Supplemental Nutrition Assistance Program benefits;

(3) a reference to the Simplified Food Stamp Program shall be deemed to be a reference to the Simplified Secure Supplemental Nutrition Assistance Program;

(4) a reference to food stamp participants shall be deemed to be a reference to participants in the Secure Supplemental Nutrition Assistance Program;

(5) a reference to food stamp informational activities shall be deemed to be a reference to informational activities relating to the Secure Supplemental Nutrition Assistance Program;

(6) a reference to food stamp caseload shall be deemed to be a reference to caseload under the Secure Supplemental Nutrition Assistance Program;

(7) a reference to food stamps shall be deemed to be a reference to Secure Supplemental Nutrition Assistance Program benefits; and

(8) a reference to the food stamp program shall be deemed to be a reference to Secure Supplemental Nutrition Assistance Program.

SEC. 4002. DEFINITION OF DRUG ADDICTION OR ALCOHOLIC TREATMENT AND REHABILITATION PROGRAM.

Section 3(f) of the Food Stamp Act of 1977 (7 U.S.C. 2012(f)) is amended by striking '' center, under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.)'' and inserting ''center, that is—

''(1) tax exempt; and

''(2) certified by the State title XIX agency, under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.), as receiving funding under part B, eligible to receive funding under part B even if no funds are being received, or operating to further the purposes of part B, except that nothing in this paragraph shall be construed to require State or Federal licensure to meet these requirements;''.

SEC. 4003. NUTRITION EDUCATION.

(a) AUTHORITY TO PROVIDE NUTRITION EDUCATION.—Section 4(a) of the Food Stamp Act of 1977 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting ''and through an approved State plan, nutrition education'' after ''an allotment''.

(b) IMPLEMENTATION.—Section 11(f) of the Food and Nutrition Act of 1977 (7 U.S.C. 2020(f)) is amended to read as follows:

''(f) NUTRITION EDUCATION.—

''(1) IN GENERAL.—State agencies may implement a nutrition education program for individuals eligible for Secure Supplemental Nutrition Assistance Program benefits that promotes healthy food choices consistent with current Dietary Guidelines.

''(2) DELIVERY OF NUTRITION EDUCATION.—State agencies may deliver nutrition education directly to eligible persons or through agreements with the Cooperative State Research, Education and Extension Service, including through the expanded food and nutrition education under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

''(3) NUTRITION EDUCATION STATE PLANS.—State agencies wishing to provide nutrition education under this subsection shall submit a Nutrition Education State Plan to the Food and

Nutrition Service for approval. The plan shall identify the uses of the funding for local projects and conform to standards set forth by the Secretary in regulations or guidance. State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 16(a).

''(4) NOTIFICATION.—Whenever practicable, State agencies shall notify applicants, participants, and eligible program participants of the availability of nutrition education under this subsection.''.

SEC. 4004. FOOD DISTRIBUTION ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting the following:

''(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

''(1) IN GENERAL.—Distribution of commodities, with or without the Secure Supplemental Nutrition Assistance Program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

''(B) ADMINISTRATION BY TRIBAL ORGANIZATION.—If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in subparagraph (A), then the tribal organization shall administer the distribution.

''(C) PROHIBITION.—The Secretary shall not approve any plan for a distribution described in subparagraph (A) that permits any household on any Indian reservation to participate simultaneously in the Secure Supplemental Nutrition Assistance Program and the distribution of federally donated foods.

''(3) DISQUALIFIED PARTICIPANTS.—The Secretary shall ensure that an individual who is disqualified from participation in the Food Distribution Program on Indian Reservations under this subsection is not eligible to participate in the Secure Supplemental Nutrition Assistance Program under this Act.

''(4) ADMINISTRATIVE COSTS.—The Secretary is authorized to pay such amounts for administrative costs of such distribution on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

''(5) TRADITIONAL AND LOCAL FOODS FUND.—

''(A) IN GENERAL.—The Secretary shall establish a fund to purchase traditional and locally-grown food, designated by region, for recipients of food distributed under this subsection.

''(B) NATIVE AMERICAN PRODUCERS.—For recipients of food distributed under subparagraph (A), at least 50 percent shall be produced by Native American farmers, ranchers, and producers.

''(C) DEFINITION OF TRADITIONAL AND LOCALLY GROWN.—The Secretary, in conjunction with the Indian Tribal Organizations, will determine the definition of traditional and locally-grown.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of the fiscal years 2008 through 2012 to carry out subparagraph (A).''.

(b) FDPIR FOOD PACKAGE.—Not later than 180 days after the date of 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 that describes—

(1) how the Secretary derives the process for determining the food package under the Food Distribution Program on Indian Reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) (referred to in this subsection as the ''food package'');

(2) the extent to which the food package—

(A) conforms (or fails to conform) to the 2005 Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(B) addresses (or fails to address) the nutritional and health challenges that are specific to Native Americans; and

(C) addresses the nutritional needs of low-income Native Americans, compared to the Secure Supplemental Nutrition Assistance Program;

(3) any plans of the Secretary to revise and update the food package to conform with the most recent Dietary Guidelines for Americans, including any costs associated with the planned changes; and

(4) if the Secretary does not plan changes to the food package, the rationale of the Secretary for retaining the food package.

SEC. 4005. DEOBLIGATE FOOD STAMP COUPONS.

(a) IN GENERAL.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) by striking the section designation and heading and all that follows through ''subsection (j)) shall be'' and inserting the following:

''SEC. 7. ISSUANCE AND USE OF BENEFITS.

''(a) IN GENERAL.—Except as provided in subsection (j), EBT cards shall be''.

(2) in subsection (b)—

(A) by striking ''(b) Coupons'' and inserting the following:

''(b) USE.—Benefits''; and

(B) by striking '': Provided further'' and all that follows through ''denominations issued'' ;

(3) in subsection (c)—

(A) by striking ''(c) Coupons'' and inserting the following:

''(c) DESIGN.—

''(1) IN GENERAL.—EBT cards'';

(B) in the 1st sentence by striking ''and define their denomination''; and

(C) by striking the 2d sentence and inserting the following:

''(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.'';

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) by striking ''coupon issuers'' each place it appears and inserting ''benefit issuers'';

(6) in subsection (f)—

(A) by striking ''coupons'' each place it appears and inserting ''benefits'';

(B) by striking ''coupon issuer'' and inserting ''benefit issuer''; and

(C) by striking ''section 11(e)(20)'' and all that follows through the period and inserting ''section 11(e)(19).'';

(7) by amending subsection (g) to read as follows:

''(g) BENEFIT SYSTEM.—

''(1) COST.—The cost of documents or systems that may be required by subsection (i) may not be imposed upon a retail food store participating in the Secure Supplemental Nutrition Assistance Program.

''(2) DEVALUATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

''(A) COUPON ISSUANCE.—Beginning on the effective date of this subsection, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives benefits under this Act.

''(B) EBT CARDS.—Beginning 1 year after the effective date of this subsection, only an EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

''(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed in the 1-year period beginning on the effective date of this subsection will no longer be an obligation of the Federal Government and shall not be redeemable.''.

(8) in subsection (h)(1) by striking ''coupons'' and inserting ''benefits'';

(9) in subsection (j)—

(A) in paragraph (2)(A)(ii) by striking ''printing, shipping, and redeeming coupons'' and inserting ''issuing and redeeming benefits''; and

(B) in paragraph (5) by striking ''coupon'' and inserting ''benefit''; and

(10) in subsection (k)—

(A) by striking ''coupons in the form of'' each place it appears and inserting ''benefits in the form of''; and

(B) by striking ''a coupon issued in the form of'' each place it appears and inserting ''benefits in the form of''.

(b) CONFORMING AMENDMENTS.—

(1) Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended—

(A) in subsection (a) by striking ''coupons'' and inserting ''benefits'';

(B) by amending subsection (b) to read as follows:

''(b) 'Benefit' means the value of assistance provided under this Act to a household by means of an electronic benefit transfer under section 7(i), or other means of providing assistance, as determined by the Secretary.'';

(C) in the 1st sentence of subsection (c) by striking ''authorization cards'' and inserting ''benefits'';

(D) in subsection (d) by striking ''or access device'' and all that follows through ''number'';

(E) in subsection (e)—

(i) by striking ''coupon issuer'' and inserting ''benefit issuer''; and

(ii) by striking ''coupons'' and inserting ''benefits'';

(F) by after paragraph (f) the following:

''(f-1) EBT CARD.—The term 'EBT card' means an electronic benefit transfer card issued under section 7(i).'';

(G) in subsection (i)(5)(D) by striking ''coupons'' and inserting ''benefits''; and

(H) in subsection (t) by inserting ''including point of sale devices,'' after ''other means of access''.

(2) Section 4(a) of the Food Stamp Act of 1977 (7 U.S.C. 2013(a)) is amended—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) by striking ''coupons issued'' and inserting ''benefits issued''.

(3) Section 5(i)(2)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2014(i)(2)(E)) is amended by striking '', as defined in section 3(i) of this Act,''.

(4) Section 6(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(b)(1)) is amended—

(A) in subparagraph (B) by striking ''coupons or authorization cards'' and inserting ''benefits''; and

(B) by striking ''coupons'' each place it appears and inserting ''benefits''.

(5) Section 7(j)(5) is amended by striking ''coupon'' and inserting ''benefit''.

(6) Section 8(b) of the Food Stamp Act of 1977 (7 U.S.C. 2017(b)) is amended by striking '', whether through coupons, access devices, or otherwise''.

(7) Section 9 of the Food Stamp Act of 1977 (7 U.S.C. 2018) is amended—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) in subsection (a)—

(i) in paragraph (1) by striking ''coupon'' and inserting ''benefit''; and

(ii) in paragraph (3) by striking ''coupons, or to redeem,''.

(8) Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019) is amended—

(A) by striking the section designation and heading and all that follows through ''Regulations'' and inserting the following:

''SEC. 10. REDEMPTION OF BENEFITS.

''Regulations''; and

(B) by striking ''coupons'' each place it appears and inserting ''benefits''.

(9) Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended—

(A) in subsection (e)—

(i) in paragraph (15) by striking ''when using its authorization card in order to receive its coupons'' and inserting ''when receiving benefits''; and

(ii) in paragraph (19) by striking ''that,'' and all that follows through ''paragraph;'' and inserting ''that eligible households may be required to present photographic identification cards in order to receive their benefits.'';

(B) in subsection (h) by striking ''coupon or coupons'' and inserting ''benefits'';

(C) by striking ''coupon'' each place it appears and inserting ''benefit''; and

(D) by striking ''coupons'' each place it appears and inserting ''benefits''.

(10) Section 13 of the Food Stamp Act of 1977 (7 U.S.C. 2022) is amended by striking ''coupons'' each place it appears and inserting ''benefits''.

(11) Section 15 of the Food Stamp Act of 1977 (7 U.S.C. 2024) is amended—

(A) in subsection (a) by striking ''coupons'' and inserting ''benefits'';

(B) in subsection (b)(1)—

(i) by striking ''coupons'' each place it appears and inserting ''benefits'';

(ii) by striking ''coupons or authorization cards'' and inserting ''benefits''; and

(iii) by striking ''access device'' each place it appears and inserting ''benefit'';

(C) in subsection (c) by striking ''coupons'' each place it appears and inserting ''benefits'';

(D) in subsection (d) by striking ''Coupons'' and inserting ''Benefits'';

(E) in subsections (e) and (f) by striking ''coupon'' each place it appears and inserting ''benefit''; and

(F) in subsection (g) by striking ''coupon, authorization cards or access devices'' and inserting ''benefits''; and

(12) Section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking ''coupons'' each place it appears and inserting ''benefits''.

(13) Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2) by striking ''coupon'' and inserting ''benefit'';

(B) in subsection (b)(1)—

(i) in subparagraph (B)(v)—

(I) by striking ''countersigned food coupons or similar''; and

(II) by striking ''food coupons'' and inserting ''EBT cards''; and

(ii) in subparagraph (C)(i)(I) by striking ''coupons'' and inserting ''EBT cards''; and

(C) in subsection (j) by striking ''coupon'' and inserting ''benefit''.

(14) Section 21 of the Food Stamp Act of 1977 (7 U.S.C. 2030) is amended—

(A) in subsection (d)(3)—

(i) by striking ''food coupons'' and inserting ''benefits''; and

(ii) by striking ''food stamp benefits'' and inserting ''benefits''.

(15) Section 22 of the Food Stamp Act of 1977 (7 U.S.C. 2031) is amended—

(A) by striking ''food coupons'' each place it appears and inserting ''benefits'';

(B) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(C) in subsection (g)(1)(A) by striking ''coupon'' and inserting ''benefit''.

(c) REFERENCES IN OTHER LAWS, DOCUMENTS, AND RECORDS OF THE UNITED STATES.—In any law (excluding the Food Stamp Act of 1977), regulation, rule, document, or record of the United States, a reference to ''coupon'', ''authorization card'', or ''other access device'' as used in the Food Stamp Act of 1977 as in effect before the date of the enactment of this Act shall be deemed to be a reference to ''benefit'' as defined in such Act as in effect after the date of the enactment of this Act.

SEC. 4006. ALLOW FOR THE ACCRUAL OF BENEFITS.

Section 7(i) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i)) is amended by adding at the end the following:

''(12) RECOVERING ELECTRONIC BENEFITS.—

''(A) A State agency may recover benefits from a household's electronic benefits account because of inactivity in the account after the household has not accessed the account the lesser of—

''(i) 3 months during which the account has continuously had a balance in excess of $1,000, adjusted for changes in the thrifty food plan since June 2007; or

''(ii) 12 months.

''(B) A household whose benefits are recovered under subparagraph (A) shall receive notice and shall have the benefits made available again upon a request made during a period of not less than 12 months after the recovery.''.

SEC. 4007. STATE OPTION FOR TELEPHONIC SIGNATURE.

Section 11(e)(2)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)(C)) is amended—

(1) by inserting ''(i)'' after ''(C)''; and

(2) by adding at the end the following:

''(ii) A State agency may establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone. Any such system shall—

''(I) record for future reference the household member's verbal assent and the information to which assent was given;

''(II) include effective safeguards against impersonation, identity theft, or invasions of privacy;

''(III) not deny or interfere with the right of the household to apply in writing;

''(IV) promptly send the household member a written copy of the application, with instructions on a simple procedure for correcting any errors or omissions;

''(V) comply with paragraph (1)(B);

''(VI) satisfy all requirements for a signature on an application under this Act and other laws applicable to the Secure Supplemental Nutrition Assistance Program, with the date on which the household member provides verbal assent effective as the date of application for all purposes; and

''(VII) comply with such other standards as the Secretary may establish.''.

SEC. 4008. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.

(a) PROHIBITION.—Section 11(e)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(6)) is amended—

(1) in subparagraph (A) by striking ''and'' at the end;

(2) by striking subparagraph (B) and inserting the following:

''(B) except as provided in section 5(h)(4), only State employees employed in accordance with the current standards for a Merit System of Personnel Administration, or any standards later prescribed by the Office of Personnel Management pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728) modifying or superseding such standards relating to the establishment and maintenance of personnel standards on a merit basis, shall undertake such certifications and shall—

''(i) represent the State agency in any official communications with a prospective applicant, applicant, or recipient household regarding their application or participation, except that a nonprofit organization may assist a household under paragraph (1) through activities allowable under section 16(a)(4);

''(ii) participate in making any determinations relating to a household's substantive or procedural compliance with the requirements of this Act or implementing regulations, including the adequacy of the household's application or of verification of other information the household has submitted in support of that application; or

''(iii) participate in making any other determinations required under this subsection;

except that nothing in this subparagraph shall prevent a State agency from contracting for automated systems, issuance services or program information activities reimbursed under paragraphs (2), (3), (4), or (6) of section 16(a) or under section 16(g) or for assisting in the verification of an applicant's identity; and

''(C) the State agency shall not use any Federal funds—

''(i) to implement, to perform, or to carry out any contract that does not comply with the requirements in effect under subparagraph (B); or

''(ii) to pay any cost associated with the termination, breach, or full or partial abrogation, of any contract that does not comply with the requirements in effect under such subparagraph;''.

(b) WAIVERS.—Section 17(b)(1)(B)(iv)(III)(ff) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(ff)) is amended by inserting ''or 11(e)(6)(B)'' before the semicolon at the end.

(c) PROJECTS.—Section 26(f)(3)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2035(f)(3)(E)) is amended by inserting ''(6)(B),'' after ''paragraphs''.

(d) DISASTERS.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by inserting at the end:

''(4) The Secretary may authorize a state agency, on a temporary basis, to use employees or individuals that do not meet the standards prescribed under section 11(e)(6)(B) in order to determine eligibility for a disaster food stamp program under this subsection.''.

(e) DISALLOWANCE OF FUNDS.—No funds shall be available under any appropriations act for implementing or continuing any contract that does not comply with section 11(e)(6)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(6)(B)) as amended by subsection (a) nor for any costs associated with the termination or full or partial abrogation of such contract.

(f) TRANSITION PERIOD.—Subsection (e) shall not apply to the costs of implementing, continuing, or renegotiating any contract concluded before January 1, 2007, (but shall apply to any costs associated with the termination or full or partial abrogation of such contract) until the first day of the first month beginning at least 120 days after the date of enactment of this Act.

SEC. 4009. GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.

Section 11(t)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(t)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 4010. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021) is amended—

(1) by striking the section heading and all that follows through ''(a) Any approved'', and inserting the following:

''SEC. 12. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

''(a) DISQUALIFICATION.—

''(1) IN GENERAL.—An approved'';

(2) in subsection (a)—

(A) in the 1st sentence by striking ''$10,000 for each violation'' and all that follows through the period at the end, and inserting ''$100,000 for each violation.''; and

(B) in the 2d sentence—

(i) by striking ''Regulations'' and inserting the following:

''(2) REGULATIONS.—Regulations'';

(ii) by striking ''violation and'' and inserting ''violation of'';

(iii) by inserting a comma after ''disqualification of''; and

(iv) by striking ''a retail store'' and inserting ''and the assessment of a civil money penalty against, a retail store'';

(3) in subsection (b)—

(A) by striking ''(b) Disqualification'' and all that follows through ''shall be—'', and inserting the following:

''(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification shall be—'';

(B) in paragraph (1) by striking ''of no less than six months nor more than five years'' and inserting ''not to exceed 5 years'';

(C) in paragraph (2) by striking ''of no less than twelve months nor more than ten years'' and inserting ''not to exceed 10 years.'';

(D) in paragraph (3)—

(i) in subparagraph (B)—

(I) by striking ''coupons or trafficking in coupons or authorization cards'' each place it appears, and inserting ''program access devices or benefit instruments or trafficking in program access devices or benefit instruments''; and

(II) by inserting ''or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of benefits or access devices'' after ''concern'' the 1st place it appears;

(4) in paragraph (3)(C) by striking ''and'' at the end;

(5) in subsection (c)—

(A) by striking ''(c) The action'' and inserting the following:

''(c) TREATMENT OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

''(1) REVIEW.—The action''; and

(B) by striking ''coupons'' and inserting ''benefits'';

(6) in subsection (d) by striking ''coupons'' in each place it appears and inserting ''benefits'';

(7) in subsection (f) by striking ''food coupons'' and inserting ''benefits'';

(8) by redesignating subsection (c) through (g) as subsection (d) through (h), respectively;

(9) inserting after subsection (b) the following:

''(c) In addition to a disqualification under subsection (b), the Secretary may assess a civil monetary penalty of up to $100,000;''; and

(10) by adding at the end:

''(i) The Secretary shall, in consultation with the Inspector General of the Department of Agriculture, provide for procedures by which the processing of benefit redemptions for certain retail food stores and wholesale food concerns may be immediately suspended pending administrative action to disqualify such a store or concern. Under the procedures prescribed pursuant to this subsection, if the Secretary, in consultation with the Inspector General, determines that a retail food store or wholesale food concern is engaged in flagrant violations of this Act or the regulations issued pursuant to this Act, unsettled benefits that have been redeemed by the retail food store or wholesale food concern may be suspended and, if the suspension is upheld, subject to forfeiture pursuant to section 12(g). If the disqualification action not upheld, suspended funds held by the Secretary shall be released to such store or such concern. The Secretary shall not be liable for the value of any interest on funds suspended under this subsection.''.

SEC. 4011. MAJOR SYSTEMS FAILURES.

Section 13(b) of the Food Stamp Act of 1977 (7 U.S.C. 2022(b)) is amended by adding at the end the following:

''(5) OVER ISSUANCES CAUSED BY SYSTEMIC STATE ERRORS.—

''(A) IN GENERAL.—If the Secretary determines that a State agency over issued benefits to a substantial number of households in a fiscal year as a result of a major systemic error by the State agency, as determined by the Secretary, the Secretary may prohibit the State agency from collecting these over issuances from some or all households.

''(B) PROCEDURES.—

''(i) INFORMATION REPORTING BY STATES.—Every State agency shall provide to the Secretary all information requested by the Secretary concerning the issuance of benefits to households by the State agency in the applicable fiscal year.

''(ii) FINAL DETERMINATION.—After reviewing relevant information provided by a State agency, the Secretary shall make a final determination—

''(I) whether the State agency over issued benefits to a substantial number of households as a result of a systemic error in the applicable fiscal year; and

''(II) as to the amount of the over issuance in the applicable fiscal year for which the State agency is liable.

''(iii) ESTABLISHING A CLAIM.—Upon determining under clause (ii) that a State agency has over issued benefits to households due to a major systemic error determined under subparagraph (A), the Secretary shall establish a claim against the State agency equal to the value of the over issuance caused by the systemic error.

''(iv) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative and judicial review, as provided in section 14, shall apply to the final determinations by the Secretary under clause (ii).

''(v) REMISSION TO THE SECRETARY.—

''(I) DETERMINATION NOT APPEALED.—If the determination of the Secretary under clause (ii) is not appealed, the State agency shall, as soon as practicable, remit to the Secretary the dollar amount specified in the claim under clause (iii).

''(II) DETERMINATION APPEALED.—If the determination of the Secretary under clause (ii) is appealed, upon completion of administrative and judicial review under clause (iv), and a finding of liability on the part of the State, the appealing State agency shall, as soon as practicable, remit to the Secretary a dollar amount subject to the finding of the administrative and judicial review.

''(vi) ALTERNATIVE METHOD OF COLLECTION.—

''(I) IN GENERAL.—If a State agency fails to make a payment under clause (v) within a reasonable period of time, as determined by the Secretary, the Secretary may reduce any amount due to the State agency under any other provision of this Act by the amount due.

''(II) ACCRUAL OF INTEREST.—During the period of time determined by the Secretary to be reasonable under subclause (I), interest in the amount owed shall not accrue.

''(vii) LIMITATION.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.''.

SEC. 4012. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) is amended—

(1) in subparagraph (A)(vii) by striking ''fiscal years 2002 through 2007'' and inserting ''fiscal years 2008 through 2012''; and

(2) in subparagraph (E)(i) by striking ''fiscal years 2002 through 2007'' and inserting ''fiscal years 2008 through 2012''.

SEC. 4013. REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.

Section 16(k)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(3)) is amended—

(1) in subparagraph (A) by striking ''2007'' and inserting ''2012''; and

(2) in subparagraph (B)(ii) by striking ''2007'' and inserting ''2012''.

SEC. 4014. CASH PAYMENT PILOT PROJECTS.

Section 17(b)(1)(B)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 4015. FINDINGS OF CONGRESS REGARDING SECURE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM NUTRITION EDUCATION.

(a) FINDINGS.—The Congress finds the following:

(1) Nutrition education under the Food Stamp Act of 1977 plays an essential role in improving the dietary and physical activity practices of low income Americans, helping to reduce food insecurity, prevent obesity, and reduce the risks of chronic disease.

(2) Expert bodies, such as the Institute of Medicine, indicate that dietary and physical activity behavior change is more likely to result from the combined application of public health approaches and education than from individual education alone.

(3) State programs are currently implementing such nutrition education using effective strategies, including direct education, group activities, and social marketing.

(b) SUPPORT NUTRITION EDUCATION.—The Secretary of Agriculture should support and encourage the most effective interventions for nutrition education under the Food Stamp Act of 1977, including public health approaches as well as traditional education, to increase the likelihood that recipients of Secure Supplemental Nutrition Assistance benefits and those who are potentially eligible for such benefits will choose diets and physical activity practices consistent with the Dietary Guidelines for Americans. To promote the most effective implementation of publicly funded programs, State nutrition education activities under the Food Stamp Act of 1977 should be coordinated with other federally funded food assistance and public health programs and should leverage public/private partnerships to maximize resources and impact.

SEC. 4016. NUTRITION EDUCATION AND PROMOTION INITIATIVE TO ADDRESS OBESITY.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding at the end the following:

''(k) NUTRITION EDUCATION AND PROMOTION INITIATIVE TO ADDRESS OBESITY.—

''(1) IN GENERAL.—The Secretary shall establish a demonstration program, to be known as the 'Initiative to Address Obesity Among Low-Income Americans' (referred to in this subsection as the 'Initiative'), to develop and implement solutions to reduce obesity in the United States.

''(A) SELECTION.—The Secretary shall solicit and competitively select demonstration proposals for strategies to address obesity among low-income Americans.

''(B) EVALUATION.—The effectiveness of these strategies shall be rigorously evaluated to assess the impact on overweight and obesity among low-income persons.

''(C) DISSEMINATION.—Evaluation results shall be shared broadly to inform policy makers, service providers, other partners, and the public in order to promote wide use of successful strategies.

''(2) GRANTS.—

''(A) IN GENERAL.—In carrying out the Initiative, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or grants to, public or private organizations or agencies as defined by the Secretary, for use in accordance with projects that meet the strategy goals of the Initiative.

''(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this paragraph, an organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) SELECTION CRITERIA.—Demonstration proposals shall be evaluated against publicly disseminated criteria that include—

''(i) identification of a low-income target audience that corresponds to individuals living in households with incomes at or below 185 percent of the poverty level;

''(ii) incorporation of a scientifically-based strategy that is designed to improve diet quality through more healthful food purchases, preparation, or consumption;

''(iii) a commitment to a demonstration plan that allows for a rigorous outcome evaluation, including data collection; and

''(iv) other criteria, as determined by the Secretary.

''(D) USE OF FUNDS.—

''(i) PROHIBITION.—Funds shall not be used for projects that limit the use of benefits.

''(ii) MONITORING AND EVALUATION.—The Secretary may use funds provided for the Initiative to pay costs associated with monitoring, evaluation, and dissemination of the Initiative's findings.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of the fiscal years 2008 through 2012, except that no new grants may be made under this subsection after September 30, 2012.''.

SEC. 4017. AUTHORIZATION OF APPROPRIATIONS.

Section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 4018. CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.

Section 19(a)(2)(A)(ii) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended in subparagraph (A)(ii) by striking ''2007'' and inserting ''2012''.

SEC. 4019. STUDY ON COMPARABLE ACCESS TO SECURE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR PUERTO RICO.

Section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended by adding at the end the following:

''(e) STUDY.—The Secretary shall conduct a study of the feasibility and effects of including the Commonwealth of Puerto Rico under section 3(m), in lieu of providing the block grant under this section. The study shall include—

''(1) an assessment of the administrative, financial management, and other changes that would be required by the Commonwealth to establish a comparable Secure Supplemental Nutrition Assistance Program;

''(2) a discussion of the appropriate program rules under the other sections of the Act, such as benefit levels under section 3(o), income eligibility standards under sections 5 and 6, and deduction levels under section 5(e), for the Commonwealth to establish a comparable Secure Supplemental Nutrition Assistance Program;

''(3) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

''(4) an estimate of the impact of the Secure Supplemental Nutrition Assistance Program on hunger and food insecurity among low-income Puerto Ricans, and

''(5) such other findings as the Secretary deems appropriate.''.

SEC. 4020. REAUTHORIZATION OF COMMUNITY FOOD PROJECT COMPETITIVE GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 25 of the Food Stamp Act of 1977 (U.S.C. 2034) is amended—

(1) in subsections (c), (d), (e)(1), and (f)(1) by striking ''subsection (b)'' each place it appears and inserting ''subsection (g)'';

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively; and

(4) by inserting after paragraph (f) the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants available to assist eligible private nonprofit entities to establish and carry out community food projects $30,000,000 for each of the fiscal years 2008 through 2012.''.

(b) PREFERENCES FOR CERTAIN PROJECTS.—Subsection (c) of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), as so redesignated by subsection (a) of this section, 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) serve special needs in areas of—

''(A) transportation and processing for expanding institutional and emergency food service demand for local food;

''(B) retail access to healthy foods in underserved markets;

''(C) integration of urban and metro-area food production in food projects; and

''(D) technical assistance for youth, socially disadvantaged individuals, and limited resource groups.''

(c) MATCHING FUND REQUIREMENTS.—Subsection (d)(1) of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), as so redesignated by subsection (a) of this section, is amended by striking ''50'' and inserting ''75''.

(d) TERM OF GRANT.—Subsection (e)(2) of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034(e)(2)), as so redesignated by subsection (a) of this section, is amended by striking ''3'' and inserting ''5''.

(e) FUNDING FOR INNOVATIVE PROGRAMS.—Subsection (h)(4) of section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034), as so redesignated by subsection (a) of this section, is amended—

(1) by striking ''fiscal years 2003 though 2007'' and inserting ''fiscal years 2008 through 2012''; and

(2) by striking ''200,000'' and inserting ''$500,000''.

SEC. 4021. EMERGENCY FOOD ASSISTANCE.

Section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) is amended by striking ''2007'' and inserting ''2012''.

Subtitle B—Commodity Distribution

SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.

Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended by striking ''$60,000,000 for each of the fiscal years 2003 through 2007'' and inserting ''$100,000,000 for each of the fiscal years 2008 through 2012''.

SEC. 4202. DISTRIBUTION OF SURPLUS COMMODITIES; SPECIAL NUTRITION PROJECTS.

Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)(A)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 4203. COMMODITY DISTRIBUTION PROGRAM.

(a) COMMODITY DISTRIBUTION PROGRAM.—Section 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking ''2007'' and inserting ''2012''.

(b) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act (7 U.S.C. 612c note) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''fiscal years 2003 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''; and

(B) in paragraph (2)(B)—

(i) in the heading by striking in ''2007'' and inserting ''2012''; and

(ii) by striking ''2007'' and inserting ''2012'';

(2) in subsection (d)(2) by inserting '', and for each fiscal year thereafter,'' after ''2007'';

(3) by amending subsection (g) to read as follows:

''(g) USE OF RESOURCES.—Each local agency shall use funds made available to the agency to provide assistance under the program to low-income elderly individuals, women, infants, and children in need for food assistance in accordance with such regulations as the Secretary may prescribe.'';

(4) in paragraphs (2) and (3) of subsection (h) by inserting ''elderly individuals,'' before ''pregnant''; and

(5) by adding at the end the following:

''(m) INCOME ELIGIBILITY STANDARDS.—The Secretary shall establish maximum income eligibility standards to be used in conjunction with such other risk criteria as may be appropriate in determining eligibility for the program. Such income standards shall be the same for all pregnant, postpartum, and breastfeeding women, for infants, for children, and for elderly individuals qualifying for the program, and shall not exceed the maximum income limit prescribed under section 17(d)(2)(A)(i) of the Child Nutrition Action of 1966 (42 U.S.C. 1786(d)(2)(A)(i)).''.

Subtitle C—Child Nutrition and Related Programs

SEC. 4301. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4) is amended by striking subsection (b) and inserting the following new subsection:

''(b) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—

''(1) PURCHASE AUTHORITY.—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)), using, of the amount specified in subsection (a)—

''(A) not less than $50,000,000 for each of fiscal years 2008 and 2009; and

''(B) not less than $75,000,000 for each of fiscal years 2010 through 2012.

''(2) SERVICING AGENCY.—The Secretary of Agriculture may provide for the Secretary of Defense to serve as the servicing agency for the procurement of the fresh fruits and vegetables under this subsection on the same terms and conditions as provided in the memorandum of agreement entered into between the Agricultural Marketing Service, the Food and Consumer Service, and the Defense Personnel Support Center during August 1995 (or any successor memorandum of agreement).''.

SEC. 4302. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act requires the use of domestic food products for all meals served under the program, including foods products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the National School Lunch Act and the DOD Fresh program.

SEC. 4303. EXPANSION OF FRESH FRUIT AND VEGETABLE PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended in subsection (g)—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''July 2004'' and inserting ''July 2007''; and

(B) in paragraph (1) by amending subparagraphs (A) and (B) to read as follows:

''(A) 35 elementary or secondary schools in each State;

''(B) additional elementary or secondary schools in each State in proportion to the student population of the State; and'';

(2) in paragraph (3)(A) by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)'';

(3) in paragraph (5) in each of subparagraphs (A) and (B), by striking ''2008'' and inserting ''2012''; and

(4) in paragraph (6)(B)—

(A) in clause (i)—

(i) by striking ''October 1, 2004, and on each October 1 thereafter,'' and inserting ''October 1, 2007, and on each October 1 thereafter,''; and

(ii) by striking ''$9,000,000'' and inserting ''$70,000,000''; and

(B) by adding at the end the following:

''(iii) ADMINISTRATIVE EXPENSES.—For fiscal year 2009 and each fiscal year thereafter, of the

amount available to carry out this subsection, the Secretary may reserve not more than 1 percent of that amount for administrative expenses in carrying out this subsection.

''(iv) STATE ADMINISTRATIVE COSTS.—For fiscal year 2009 and each fiscal year thereafter, of the amount received by a State to carry out this subsection, the State may use not more than 5 percent of that amount for administrative expenses in carrying out this subsection. To be eligible to use such funds for such expenses, the State must submit to the Secretary a plan indicating how the State intends to use such funds.

''(v) FEDERAL REQUIREMENTS.—The Secretary shall establish requirements to be followed by States in administering this subsection. The initial set of requirements shall be established not later than 1 year after the date of the enactment of this clause.''.

SEC. 4304. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended to read as follows:

''(j) PURCHASES OF LOCALLY PRODUCED FOODS.—The Secretary shall—

''(1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase locally produced foods, 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) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense Fresh Fruit and Vegetable Program, to use a geographic preference for the procurement of locally produced foods.''.

Subtitle D—Miscellaneous

SEC. 4401. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

(a) AMENDMENT.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended—

(1) by amending subsection (a) to read as follows:

''(a) AUTHORIZATION.—

''(1) The Secretary of Agriculture shall use $15,000,000 for each of fiscal years 2008 through 2012 of the funds available to the Commodity Credit Corporation to carry out and expand the seniors farmers' market nutrition program.

''(2) There are authorized to be appropriated $20,000,000 for fiscal year 2008, $30,000,000 for fiscal year 2009, $45,000,000 for fiscal year 2010, $60,000,000 for fiscal year 2011, and $75,000,000 for fiscal year 2012 to carry out and expand the seniors farmers' market nutrition program.'';

(2) in subsection (b)(1) by inserting ''honey,'' after ''vegetables,'';

(3) by amending subsection (c) to read as follows:

''(c) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided to any eligible seniors farmers' market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law.''; and

(4) by adding at the end the following:

''(d) PROHIBITION ON COLLECTION OF SALES TAX.—The State shall ensure that no State or local taxes are collected within the State on purchases of food with coupons distributed under the seniors farmers' market nutrition program.

''(e) REGULATIONS.—The Secretary may issue such regulations as the Secretary considers necessary to carry out the seniors farmers' market nutrition program.''.

SEC. 4402. CONGRESSIONAL HUNGER CENTER.

Section 4404 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note) is amended to read as follows:

''SEC. 4404. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

''(a) SHORT TITLE.—This section may be cited as the 'Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows Program Act of 2007'.

''(b) FINDINGS.—The Congress finds as follows:

''(1) There is a critical need for compassionate individuals who are committed to assisting people who suffer from hunger to initiate and administer solutions to the hunger problem.

''(2) Bill Emerson, the distinguished late Representative from the 8th District of Missouri, demonstrated his commitment to solving the problem of hunger in a bipartisan manner, his commitment to public service, and his great affection for the institution and ideals of the Congress of the United States.

''(3) George T. (Mickey) Leland, the distinguished late Representative from the 18th District of Texas, demonstrated his compassion for those in need, his high regard for public service, and his lively exercise of political talents.

''(4) The special concern that Mr. Emerson and Mr. Leland demonstrated during their lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all.

''(5) These two outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and provide service to others, and therefore it is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by creating a fellowship program to develop and train the future leaders of the United States to pursue careers in humanitarian service.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means—

''(A) if the Secretary of Agriculture enters into a contract described in subsection (d)(3), the head of the Congressional Hunger Center; or

''(B) if the Secretary does not enter into such a contract, the Secretary.

''(2) FELLOW.—The term 'fellow' means—

''(A) a Bill Emerson Hunger Fellow; or

''(B) a Mickey Leland Hunger Fellow

''(3) FELLOWSHIP PROGRAMS.—The term 'Fellowship Programs' means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established by subsection (d).

''(d) FELLOWSHIP PROGRAM.—There is established in the Department of Agriculture the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program.

''(1) PURPOSES.—The purposes of the Fellowship Programs are—

''(A) to encourage future leaders of the United States to pursue careers in humanitarian and public service, to recognize the needs of low-income people and hungry people, and to provide assistance to people in need; and

''(B) to seek public policy solutions to the challenges of hunger and poverty, to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities.

''(2) FOCUS OF PROGRAMS.—

''(A) FOCUS OF BILL EMERSON HUNGER FELLOWSHIP PROGRAM.—The Bill Emerson Hunger Fellowship Program shall address hunger and poverty in the United States.

''(B) FOCUS OF MICKEY LELAND HUNGER FELLOWSHIP PROGRAM.—The Mickey Leland Hunger Fellowship Program shall address international hunger and other humanitarian needs.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall offer to enter into a contract with the Congressional Hunger Center to administer the Fellowship Programs.

''(B) REQUIREMENT.—As a condition of a contract described in subparagraph (A), the Congressional Hunger Center shall agree to submit to Congress each year the results of an independent financial audit that demonstrates that the Congressional Hunger Center uses accounting procedures that conform to generally accepted accounting principles and auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984').

''(e) FELLOWSHIPS.—

''(1) IN GENERAL.—The Administrator shall make available Bill Emerson Hunger Fellowships and Mickey Leland Hunger Fellowships in accordance with this subsection.

''(2) CURRICULUM.—

''(A) IN GENERAL.—The fellowship programs shall provide experience and training to develop the skills necessary to train fellows to carry out the purposes described in subsection (d)(1), including—

''(i) training in direct service programs for the hungry and other anti-hunger programs in conjunction with community-based organizations through a program of field placement; and

''(ii) providing experience in policy development through placement in a governmental entity or nongovernmental, nonprofit, or private sector organization.

''(B) WORK PLAN.—To carry out subparagraph (A) and assist in the evaluation of the fellowships under paragraph (6), the Administrator shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities relating to those objectives.

''(3) PERIOD OF FELLOWSHIP.—

''(A) EMERSON FELLOW.—A Bill Emerson Hunger Fellowship awarded under this subsection shall be for not more than 15 months.

''(B) LELAND FELLOW.—A Mickey Leland Hunger Fellowship awarded under this subsection shall be for not more than 2 years.

''(4) SELECTION OF FELLOWS.—

''(A) IN GENERAL.—Fellowships shall be awarded pursuant to a nationwide competition established by the Administrator.

''(B) QUALIFICATIONS.—A successful program applicant shall be an individual who has demonstrated—

''(i) an intent to pursue a career in humanitarian service and outstanding potential for such a career;

''(ii) leadership potential or actual leadership experience;

''(iii) diverse life experience;

''(iv) proficient writing and speaking skills;

''(v) an ability to live in poor or diverse communities; and

''(vi) such other attributes as are considered to be appropriate by the Administrator.

''(5) AMOUNT OF AWARD.—

''(A) IN GENERAL.—A fellow shall receive a living allowance during the term of the Fellowship and, subject to subparagraph (B), an end-of-service award.

''(B) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each fellow shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service completed, as determined by the Administrator.

''(C) TERMS OF FELLOWSHIP.—A fellow shall not be considered an employee of—

''(i) the Department of Agriculture;

''(ii) the Congressional Hunger Center; or

''(iii) a host agency in the field or policy placement of the fellow.

''(D) RECOGNITION OF FELLOWSHIP AWARD.—

''(i) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an 'Emerson Fellow'.

''(ii) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a 'Leland Fellow'.

''(6) EVALUATION.—The Administrator shall conduct periodic evaluations of the Fellowship Programs.

''(f) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Administrator may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of facilitating the work of the Fellowship Programs.

''(2) LIMITATION.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be used exclusively for the purposes of the Fellowship Programs.

''(g) REPORT.—Each year, the Administrator 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 activities and expenditures of the Fellowship Programs during the preceding fiscal year.

''(h) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $3,000,000 for each of the fiscal years 2008 through 2012.''.

SEC. 4403. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

Subtitle D of title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 333) is amended—

(1) by redesignating section 4405 (2 U.S.C. 1161 note; Public Law 107–171) as section 4406; and

(2) by inserting after section 4404 the following:

''SEC. 4405. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

''The Secretary of Agriculture and the Secretary of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this section—

''(1) to collect continuous dietary, health, physical activity, and diet and health knowledge data on a nationally representative sample;

''(2) to periodically collect data on special at-risk populations, as identified by the Secretaries;

''(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion;

''(4) to analyze new data that becomes available;

''(5) to continuously update food composition tables; and

''(6) to research and develop data collection methods and standards.''.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

Sec. 5001. Conservation loan guarantee program.
Sec. 5002. Limitations on amount of ownership loans.
Sec. 5003. Down payment loan program.
Sec. 5004. Beginning farmer and rancher contract land sales program.

Subtitle B—Operating Loans

Sec. 5011. Limitations on amount of operating loans.
Sec. 5012. Suspension of limitation on period for which borrowers are eligible for guaranteed assistance.

Subtitle C—Administrative Provisions

Sec. 5021. Inventory sales preferences.
Sec. 5022. Loan fund set-asides.
Sec. 5023. Transition to private commercial or other sources of credit.
Sec. 5024. Extension of the right of first refusal to reacquire homestead property to immediate family members of borrower-owner.
Sec. 5025. Rural development and farm loan program activities.

Subtitle D—Farm Credit

Sec. 5031. Agribusiness loan eligibility.
Sec. 5032. Loan-to-asset value requirements.
Sec. 5033. Population limit for single-family housing loans.
Sec. 5034. Bank for cooperatives voting stock.
Sec. 5035. Majority farmer control requirement.
Sec. 5036. Borrower stock requirement.
Sec. 5037. Rural utility loans.
Sec. 5038. Farm Credit System Insurance Corporation.
Sec. 5039. Risk-based capital levels.
Sec. 5040. Loans to purchasers of highly fractioned lands.

Subtitle A—Farm Ownership Loans

SEC. 5001. CONSERVATION LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended to read as follows:

''SEC. 304. CONSERVATION LOAN GUARANTEE PROGRAM.

''(a) IN GENERAL.—The Secretary may provide a loan guarantee, an interest subsidy, or both, to enable an eligible borrower to obtain a qualified conservation loan.

''(b) PRIORITY.—In providing loan guarantees under this section, the Secretary shall give priority to—

''(1) qualified beginning farmers or ranchers;

''(2) socially disadvantaged farmers or ranchers (as defined in section 355(e)(2));

''(3) owners or tenants who use the loans to covert to sustainable or organic agricultural production systems; and

''(4) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE BORROWER.—The term 'eligible borrower' means a farmer, rancher, farm cooperative, private domestic corporation, partnership, joint operation, trust, or limited liability company, that is engaged primarily and directly in agricultural production in the United States.

''(2) QUALIFIED CONSERVATION LOAN.—The term 'qualified conservation loan' means a loan that meets the following requirements:

''(A) PURPOSE.—The loan proceeds are required to be used to cover the costs to the borrower of carrying out a qualified conservation project.

''(B) PRINCIPAL AMOUNT.—The principal amount of the loan is not more than $1,000,000.

''(C) REPAYMENT PERIOD.—The loan repayment period shall not exceed 10 years.

''(D) LIMITED PROCESSING FEE.—The total of all processing fees charged with respect to the loan does not exceed such amount as shall be prescribed by the Secretary.

''(3) QUALIFIED CONSERVATION PROJECT.—The term 'qualified conservation project' means, with respect to an eligible borrower, conservation measures that address provisions of a conservation plan of the borrower.

''(4) CONSERVATION PLAN.—The term 'conservation plan' means a plan, approved by the Secretary, that, for a farming or ranching operation, identifies the conservation activities that will be addressed with guaranteed loan funds provided under this section, including—

''(A) the installation of conservation structures;

''(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

''(C) the installation of water conservation measures;

''(D) the installation of waste management systems;

''(E) the establishment or improvement of permanent pasture;

''(F) compliance with section 1212 of the Food Security Act of 1985;

''(G) other purposes consistent with the plan; and

''(H) any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

''(d) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—

''(1) LIMITATION ON AMOUNT OF GUARANTEE.—The portion of a loan that the Secretary may guarantee under this section shall be not less than 80 percent and not more than 90 percent of the principal amount of the loan.

''(2) LIMITATION ON TOTAL AMOUNT OUTSTANDING.—The aggregate principal amount of outstanding loans guaranteed by the Secretary under this section shall not exceed $1,000,000.

''(e) LIMITATION ON AMOUNT OF INTEREST SUBSIDY.—The interest subsidy which the Secretary may provide under this section with respect to a loan shall result in a reduction of the interest rate agreed upon by the borrower and the lender (but to not less than zero) by—

''(1) 500 basis points, if the principal amount of the loan is less than $100,000;

''(2) 400 basis points, if the principal amount of the loan is not less than $100,000 and is less than $500,000; and

''(3) 300 basis points, in any other case.

''(f) ADMINISTRATIVE PROVISIONS.—

''(1) AUTHORITY TO COLLECT PROCESSING FEE.—The Secretary may assess a fee to cover the cost of processing an application under this section equal to not more than 1 percent of the principal amount of the loan sought by the applicant, as described in the application.

''(2) APPROVAL OF APPLICATION.—The Secretary shall not approve an application submitted pursuant to this section, unless the Secretary has determined that—

''(A) the loan sought by the applicant, as described in the application, would be a qualified conservation loan; and

''(B) the project for which the loan is sought is likely to result in a net benefit to the environment.

''(3) EQUITABLE DISTRIBUTION OF LOAN GUARANTEES AND INTEREST SUBSIDIES.—The Secretary shall ensure that loan guarantees and interest subsidies under this section are equitably distributed among agricultural producers according to the scale of the operations.

''(g) RELATIONSHIP WITH OTHER CONSERVATION PROGRAMS.—Neither the application for, nor the receipt of, a loan guarantee or an interest subsidy under this section shall affect the eligibility of the recipient for assistance under title XII of the Food Security Act of 1985 or the Watershed Protection and Flood Prevention Act.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2008 through 2012, there are authorized to be appropriated to the Secretary such funds as are necessary to carry out this section.''.

SEC. 5002. LIMITATIONS ON AMOUNT OF OWNERSHIP LOANS.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(1) in subsection (a)(2), by striking ''$200,000'' and inserting ''$300,000''; and

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

''(b) GRADUATION PLAN.—The Secretary shall establish a plan, in coordination with activities under sections 359, 360, 361, and 362, to encourage each borrower with an outstanding loan under this subtitle to graduate to private commercial or other sources of credit.''.

SEC. 5003. DOWN PAYMENT LOAN PROGRAM.

Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (a)(1), by striking ''and ranchers'' and inserting ''or ranchers and socially disadvantaged farmers or ranchers'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following;

''(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the least of—

''(A) the purchase price of the farm or ranch to be acquired;

''(B) the appraised value of the farm or ranch to be acquired; or

''(C) $500,000.

''(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

''(A) the difference obtained by subtracting 4 percent from the interest rate for farm ownership loans under this subtitle; or

''(B) 1 percent.''; and

(B) in paragraph (3), by striking ''15'' and inserting ''20'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''10'' and inserting ''5'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2)(B) (as so redesignated), by striking ''15-year'' and inserting ''20-year''; and

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting ''and socially disadvantaged farmers and ranchers (as defined in section 355(e)(2))'' after ''ranchers''; and

(ii) by striking ''and'' at the end;

(B) in paragraph (4), by striking ''ranchers.'' and inserting ''ranchers and socially disadvantaged farmers and ranchers (as defined in section 355(e)(2)); and''; and

(C) by adding at the end the following:

''(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing participation loans as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as so defined).''.

SEC. 5004. BEGINNING FARMER AND RANCHER CONTRACT LAND SALES PROGRAM.

Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936) is amended to read as follows:

''SEC. 310F. BEGINNING FARMER AND RANCHER AND SOCIALLY DISADVANTAGED FARMER AND RANCHER CONTRACT LAND SALES PROGRAM.

''(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm or ranch to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as defined in section 355(e)(2)) on a contract land sales basis.

''(b) ELIGIBILITY.—In order to be eligible for a loan guarantee under subsection (a)—

''(1) the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher shall—

''(A) on the date the contract land sale that is subject of the loan is complete, own or operate the farm or ranch that is the subject of the contract land sale;

''(B) have a credit history that—

''(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and

''(ii) is acceptable to the Secretary; and

''(C) demonstrate to the Secretary that the farmer or rancher, as the case may be, is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer or rancher, as the case may be at a reasonable rate or term;

''(2) the loan shall meet applicable underwriting criteria, as determined by the Secretary; and

''(3) to carry out the loan—

''(A) a commercial lending institution shall agree to serve as an escrow agent; or

''(B) the private seller, in cooperation with the farmer or rancher, shall use an appropriate alternate arrangement, as determined by the Secretary.

''(c) LIMITATIONS.—

''(1) DOWN PAYMENT.—The Secretary shall not provide a loan guarantee under subsection (a) if the contribution of the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher to the down payment for the farm or ranch that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm or ranch.

''(2) MAXIMUM PURCHASE PRICE.—The Secretary shall not provide a loan guarantee under subsection (a) if the purchase price or the appraisal value of the farm or ranch that is the subject of the contract land sale is greater than $500,000.

''(d) PERIOD OF GUARANTEE.—The period during which a loan guarantee under this section is in effect shall be the 10-year period beginning with the date the guarantee is provided.

''(e) GUARANTEE PLAN.—A private seller of a farm or ranch who makes a loan that is guaranteed by the Secretary under subsection (a) may select—

''(1) a prompt payment guarantee plan, which shall cover—

''(A) 3 amortized annual installments; or

''(B) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments); or

''(2) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.''.

Subtitle B—Operating Loans

SEC. 5011. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 313(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(a)(1)) is amended by striking ''$200,000'' and inserting ''$300,000''.

SEC. 5012. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security And Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107-171) is amended by striking ''September 30, 2007'' and inserting ''January 1, 2008''.

Subtitle C—Administrative Provisions

SEC. 5021. INVENTORY SALES PREFERENCES.

Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ''; SOCIALLY DISADVANTAGED FARMER OR RANCHER'' after ''OR RANCHER'';

(ii) in clause (i), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher'';

(iii) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively;

(iv) by inserting after clause (i) the following:

''(ii) PRIORITY TO BE GIVEN TO SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—In carrying out this subparagraph, the Secretary shall give priority to socially disadvantaged farmers and ranchers.'';

(v) in clause (iii) (as so redesignated)—

(I) by inserting ''or socially disadvantaged farmer or rancher'' after ''or rancher''; and

(II) by inserting '', subject to clause (ii)'' before the period;

(vi) in clause (iv) (as so redesignated), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(vii) in clause (v) (as so redesignated), by inserting ''and socially disadvantaged farmers and ranchers'' after ''and ranchers''; and

(B) in subparagraph (C), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher'';

(2) in paragraph (5)(B)—

(A) in clause (i)—

(i) in the clause heading, by inserting ''; SOCIALLY DISADVANTAGED FARMER OR RANCHER'' after ''OR RANCHER'';

(ii) by inserting ''or a socially disadvantaged farmer or rancher'' after ''a beginning farmer or rancher''; and

(iii) by inserting ''or the socially disadvantaged farmer or rancher'' after ''the beginning farmer or rancher'';

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(C) by inserting after clause (i) the following:

''(ii) PRIORITY TO BE GIVEN TO SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—In carrying out clause (i), the Secretary shall give priority to socially disadvantaged farmers and ranchers.''; and

(D) in clause (iii) (as so redesignated)—

(i) in the matter preceding subclause (I), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(ii) in subclause (II), by inserting ''or the socially disadvantaged farmer or rancher'' after ''or rancher'';

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(B) in subparagraph (C)—

(i) in clause (i)(I), by inserting ''and socially disadvantaged farmers and ranchers'' after ''and ranchers''; and

(ii) in clause (ii), by inserting ''or socially disadvantaged farmers or ranchers'' after ''or ranchers''; and

(4) by adding at the end the following:

''(7) In this subsection, the term 'socially disadvantaged farmer or rancher' has the meaning given in section 355(e)(2).''.

SEC. 5022. LOAN FUND SET-ASIDES.

Section 346(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking ''70 percent'' and inserting ''not less than 75 percent of the total amount made available under paragraph (1)''; and

(ii) in subclause (II)—

(I) in the subclause heading, by inserting ''; PARTICIPATION LOANS'' after ''PAYMENT LOANS'';

(II) by striking ''60 percent'' and inserting ''not less than ⅔ of the amount reserved under subclause (I)''; and

(III) by inserting ''and participation loans'' after ''section 310E''; and

(B) in clause (ii)(III), by striking ''2003 through 2007, 35 percent'' and inserting ''2008 through 2012, not less than 50 percent of the total amount made available under paragraph (1)''; and

(2) in subparagraph (B)(i), by striking ''25 percent'' and inserting ''not less than 40 percent of the total amount made available under paragraph (1)''.

SEC. 5023. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 344 the following:

''SEC. 345. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

''(a) IN GENERAL.—In making or insuring a farm loan under subtitle A or B, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest practicable period of time.

''(b) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

''(1) the borrower training program established by section 359;

''(2) the loan assessment process established by section 360;

''(3) the supervised credit requirement established by section 361;

''(4) the market placement program established by section 362; and

''(5) other appropriate programs and authorities, as determined by the Secretary.''.

SEC. 5024. EXTENSION OF THE RIGHT OF FIRST REFUSAL TO REACQUIRE HOMESTEAD PROPERTY TO IMMEDIATE FAMILY MEMBERS OF BORROWER-OWNER.

Section 352(c)(4)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)(4)(B)) is amended—

(1) in the 1st sentence, by striking '', the borrower-owner'' inserting ''of a borrower-owner who is a socially disadvantaged farmer or rancher (as defined in section 355(e)(2)), the borrower-owner or a member of the immediate family of the borrower-owner''; and

(2) in the 2nd sentence, by inserting ''or immediate family member, as the case may be,'' before ''from''.

SEC. 5025. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 364 the following:

''SEC. 365. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

''The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.''.

Subtitle D—Farm Credit

SEC. 5031. AGRIBUSINESS LOAN ELIGIBILITY.

(a) LONG TERM LOANS.—

(1) ELIGIBLE BORROWERS.—Section 1.9 of the Farm Credit Act of 1971 (12 U.S.C. 2017) is amended—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(C) by adding at the end the following:

''(4) persons primarily engaged in processing, preparing for market, handling, purchasing, testing, grading, distributing, or marketing farm or aquatic products; or primarily engaged in furnishing farm or aquatic business services, or farm or aquatic supplies, including inputs such as feed or fertilizer, equipment, and other capital goods to farmers, ranchers, or producers or harvesters of aquatic products, but only to the extent that the activities are related to renewable energy, except that a direct loan may not be made available under this title to a person eligible to borrow from a bank for cooperatives under section 3.7 or 3.8 (without regard to subsection (b)(1)(E) or (b)(1)(F) thereof).''.

(2) LOAN PURPOSES.—Section 1.11 of such Act (12 U.S.C. 2019) is amended—

(A) in subsection (a)(1), by striking ''farmers, ranchers, and producers or harvesters of aquatic products'' and inserting ''persons eligible under section 1.9(1)'';

(B) in subsection (a)(2), by inserting ''under paragraph (1)'' after ''Farm Credit Bank'';

(C) in subsection (b)(1), by striking ''rural residents'' and inserting ''persons eligible under section 1.9(3)'';

(D) in subsection (c)(1), by striking ''persons furnishing farm-related services to farmers and ranchers directly related to their on-farm operating needs'' and inserting ''persons eligible under section 1.9(2)''; and

(E) by adding at the end the following:

''(d) AGRIBUSINESS LOANS.—Loans to persons primarily engaged in processing, preparing for market, handling, purchasing, testing, grading, distributing, or marketing farm or aquatic products; or primarily engaged in furnishing farm or aquatic business services, or farm or aquatic supplies, including inputs such as feed or fertilizer, equipment, and other capital goods to farmers, ranchers, or producers or harvesters of aquatic products, who are eligible under section 1.9(4) may be made for necessary capital structures and equipment and initial working capital for the activities only to the extent that the activities are related to renewable energy.''.

(b) SHORT- AND INTERMEDIATE-TERM LOANS.—Section 2.4(a) of such Act (12 U.S.C. 2075(a)) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) persons primarily engaged in processing, preparing for market, handling, purchasing, testing, grading, distributing, or marketing farm or aquatic products; or primarily engaged in furnishing farm or aquatic business services, or farm or aquatic supplies, including inputs such as feed or fertilizer, equipment, and other capital goods to farmers, ranchers, or producers or harvesters of aquatic products, but only to the extent that the activities are related to renewable energy, except that a direct loan may not be made available under this subsection to a person eligible to borrow from a bank for cooperatives under section 3.7 or 3.8 (without regard to subsection (b)(1)(E) or (b)(1)(F) thereof).''.

(c) BANKS FOR COOPERATIVES LOANS.—Section 3.8(b)(1) of such Act (12 U.S.C. 2129(b)(1)) is amended by adding at the end the following:

''(E) Persons primarily engaged in processing, preparing for market, handling, purchasing, testing, grading, distributing, or marketing farm or aquatic products, or primarily engaged in furnishing farm or aquatic business services, or farm or aquatic supplies, including inputs such as feed or fertilizer, equipment, and other capital goods to farmers, ranchers, or producers or harvesters of aquatic products, but only to the extent that the activities are related to renewable energy, except that a direct loan may not be made available under this subparagraph to a farmer, rancher, or producer or harvester of aquatic products eligible to borrow from a farm credit institution under section 1.9(1) or 2.4(a)(1), or to a service provider eligible to borrow from a farm credit institution under section 1.9(2) or 2.4(a)(3) for all the provider's farm-related or aquatic-related business activities.''.

SEC. 5032. LOAN-TO-ASSET VALUE REQUIREMENTS.

Section 1.10(a)(1)(C) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)(1)(C)) is amended by striking ''as may be authorized'' and inserting ''except as may be provided''.

SEC. 5033. POPULATION LIMIT FOR SINGLE-FAMILY HOUSING LOANS.

(a) FARM CREDIT BANKS.—Section 1.11(b)(3) of the Farm Credit Act of 1971 (12 U.S.C. 2019(b)(3)) is amended by striking ''2,500'' and inserting ''6,000''.

(b) ASSOCIATIONS.—Section 2.4(b)(3) of such Act (12 U.S.C. 2075(b)(3)) is amended by striking ''2,500'' and inserting ''6,000''.

SEC. 5034. BANK FOR COOPERATIVES VOTING STOCK.

(a) IN GENERAL.—Section 3.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2124(c)) is amended by striking ''and (ii)'' and inserting ''(ii) other categories of persons and entities described in sections 3.7 and 3.8 eligible to borrow from the bank, as determined by the bank's board of directors; and (iii)''.

(b) CONFORMING AMENDMENTS.—Section 4.3A(c)(1)(D) of such Act (12 U.S.C. 2154a(c)(1)(D)) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

''(ii) persons and entities eligible to borrow from the banks for cooperatives, as described in section 3.3(c)(ii);''.

SEC. 5035. MAJORITY FARMER CONTROL REQUIREMENT.

Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)), as amended by section 531(c) of this Act, is amended by adding at the end the following:

''(F) Any association of farmers, or of producers or harvesters of aquatic products, or any federation of such associations, which has producer and investor classes of membership, but only if—

''(i) more than 50 percent of the voting control of the association is held by farmers, or producers or harvesters of aquatic products; and

''(ii) the producer class, if treated as a separate entity, operates on a cooperative basis.''.

SEC. 5036. BORROWER STOCK REQUIREMENT.

Section 4.3A(c)(1)(E)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2154a(c)(1)(E)(i)) is amended by striking ''not less than $1,000 or 2 percent of the amount of the loan, whichever is less'' and inserting ''determined by the institution''.

SEC. 5037. RURAL UTILITY LOANS.

Section 8.0(9) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)) is amended—

(1) by striking ''or'' at the end of subparagraph (A)(iii);

(2) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(3) by adding at the end the following:

''(C) that is a loan or interest in a loan for electric or telephone facilities by a cooperative lender to a borrower who has received or is eligible to receive a loan under the Rural Electrification Act (7 U.S.C. 901 et seq.), except that—

''(i) subsections (c) and (d) of section 8.6, and sections 8.8 and 8.9 shall not apply to the loan or interest in the loan or to an obligation backed by a pool of obligations relating to the loan or interest in the loan; and

''(ii) the loan or interest in the loan shall be considered to meet all standards for qualified loans for all purposes under this Act, subject to reasonable underwriting, security appraisal, and repayment standards established by the Corporation.''.

SEC. 5038. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) AUTHORITY TO PASS ALONG COST OF INSURANCE PREMIUMS.—Section 1.12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended by striking the last sentence and inserting ''The assessment on any such association or other financing institution for any period shall be computed in an equitable manner.''.

(b) PREMIUMS; AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—Section 5.55(a) of such Act (12 U.S.C. 2277a-4(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''(2), the annual'' and inserting ''(3), the'';

(B) by striking subparagraphs (A) through (D) and inserting the following:

''(A) the average outstanding insured obligations issued by the bank for the calendar year, after deducting therefrom the percentages of the guaranteed portions of loans and investments described in paragraph (2), multiplied by 0.0020;

''(B) the average principal outstanding for the calendar year on loans made by the bank that are in nonaccrual status, multiplied by 0.0010; and

''(C) the average amount outstanding for the calendar year of other-than-temporarily impaired investments made by the bank, multiplied by 0.0010.'';

(2) in paragraph (2), by striking ''annual'';

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking ''As used'' and all that follows through ''that'' and inserting ''As used in this section, the term 'government-guaranteed' when applied to loans or investments, means loans, credits, or investments, or portions of loans, credits, or investments, that''; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

''(2) DEDUCTIONS FROM AVERAGE OUTSTANDING INSURED OBLIGATIONS.—The average outstanding insured obligations issued by the bank

for the calendar year referred to in subsection (a)(1)(A) of this section shall be reduced by deducting therefrom the sum of—

''(A) 90 percent of the sum of—

''(i) the average principal outstanding for such calendar year on the guaranteed portions of Federal government-guaranteed loans made by the bank that are in accrual status; and

''(ii) the average amount outstanding for the calendar year of the guaranteed portions of Federal government-guaranteed investments made by the bank that are not permanently impaired, as determined by the Corporation; and

''(B) 80 percent of the sum of—

''(i) the average principal outstanding for the calendar year on the guaranteed portions of State government-guaranteed loans made by the bank that are in accrual status; and

''(ii) the average amount outstanding for the calendar year of the guaranteed portions of State government-guaranteed investments made by the bank that are not permanently impaired, as determined by the Corporation.''.

(c) PREMIUMS; AMOUNT IN FUND EXCEEDING SECURE BASE AMOUNT.—Section 5.55(b) of such Act (12 U.S.C. 2277a-4(b)) is amended by striking ''annual''.

(d) SECURE BASE AMOUNT.—Section 5.55(c) of such Act (12 U.S.C. 2277a-4(c)) is amended by striking the parenthetical phrase and inserting ''(adjusted downward to exclude an amount equal to the sum of (1) 90 percent of (A) the guaranteed portions of principal outstanding on Federal government-guaranteed loans in accrual status made by the banks, and (B) the guaranteed portions of the amount of Federal government-guaranteed investments made by the banks that are not permanently impaired; and (2) 80 percent of (A) the guaranteed portions of principal outstanding on State government-guaranteed loans in accrual status made by the banks, and (B) the guaranteed portions of the amount of State government-guaranteed investments made by the banks that are not permanently impaired, as determined by the Corporation)''.

(e) DETERMINATION OF LOAN AND INVESTMENT AMOUNTS.—Section 5.55(d) of such Act (12 U.S.C. 2277a-4(d)) is amended—

(1) in the subsection heading, by striking ''PRINCIPAL OUTSTANDING'' and inserting ''LOAN AND INVESTMENT AMOUNTS'';

(2) in the matter preceding paragraph (1), by striking ''For'' and all that follows through ''— '' and inserting ''For the purpose of subsections (a) and (c) of this section, the principal outstanding on all loans made by an insured System bank or the amount outstanding on all investments made by an insured System bank shall be determined based on all loans or investments made—''; and

(3) in each of paragraphs (1) and (2), by inserting ''or investments'' before ''because''.

(f) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—Section 5.55(e) of such Act (12 U.S.C. 2277a-4(e)) is amended—

(1) in paragraph (3), by striking ''the average secure base amount for the calendar year (as calculated on an average daily balance basis)'' and inserting ''the secure base amount'';

(2) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) there shall be credited to the Allocated Insurance Reserves Account of each insured System bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A) of this paragraph) as the average principal outstanding for the calendar year on insured obligations issued by the bank (after deducting therefrom the percentages of the guaranteed portions of loans and investments described in subsection (a)(2) of this section), bears to the average principal outstanding for the calendar year on insured obligations issued by all insured System banks (after deducting therefrom the percentages of the guaranteed portions of loans and investments so described).''; and

(3) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''beginning'' and all that follows through ''2005'';

(ii) by striking clause (i) and inserting the following:

''(i) subject to subparagraph (D), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the balance in its Allocated Insurance Reserves Account; and''; and

(iii) in clause (ii)—

(I) by striking ''(C), (E), and (F)'' and inserting ''(C) and (E)''; and

(II) by striking ''outstanding,'' and all that follows and inserting ''at the time of the termination of the Financial Assistance Corporation, of the balance in the Allocated Insurance Reserves Account established under subparagraph (1)(B).'';

(B) in subparagraph (C)—

(i) in clause (i), by striking ''(in addition to the amounts described in subparagraph (F)(ii))''; and

(ii) by striking clause (ii) and inserting the following:

''(ii) TERMINATION OF ACCOUNT.—On disbursement of $56,000,000, the Corporation shall close the Account established under paragraph (1)(B) and transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs.''; and

(C) by striking subparagraph (F).

(g) CERTIFICATION OF PREMIUMS.—

(1) FILING CERTIFIED STATEMENT.—Section 5.56(a) of such Act (12 U.S.C. 2277a-5(a)) is amended to read as follows:

''(a) FILING CERTIFIED STATEMENT.—On a date to be determined in the sole discretion of the Corporation's Board of Directors, each insured System bank that became insured before the beginning of the period for which premiums are being assessed (in this section referred to as the 'period') shall file with the Corporation a certified statement showing—

''(1) the average outstanding insured obligations for the period issued by the bank;

''(2) the average principal outstanding for the period on the guaranteed portion of Federal government-guaranteed loans that are in accrual status and the average amount outstanding for the period of Federal government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(3) the average principal outstanding for the period on State government-guaranteed loans that are in accrual status and the average amount outstanding for the period of State government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(4) the average principal outstanding for the period on loans that are in nonaccrual status and the average amount outstanding for the period of other-than-temporarily impaired investments; and

''(5) the amount of the premium due the Corporation from the bank for the period.''.

(2) PREMIUM PAYMENTS.—Section 5.56(c) of such Act (12 U.S.C. 2277a-5(c)) is amended to read as follows:

''(c) PREMIUM PAYMENTS.—Each insured System bank shall pay to the Corporation the premium payments required under subsection (a), not more frequently than once in each calendar quarter, in such manner and at such time or times as the Board of Directors shall prescribe, except that the amount of the premium shall be established not later than 60 days after filing the certified statement setting forth the amount of the premium.''.

(3) CONFORMING AMENDMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a-5) is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(h) RULES AND REGULATIONS.—Section 5.58(10) of such Act (12 U.S.C. 2277a-7(10)) is amended by inserting ''and section 1.12(b)'' after ''part''.

SEC. 5039. RISK-BASED CAPITAL LEVELS.

Section 8.32(a)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-1(a)(1)) is amended by striking all through ''a pool of'' and inserting the following:

''(1) CREDIT RISK.—

''(A) With respect to securities representing an interest in, or obligations backed by, a pool of qualified loans (as defined in section 8.0(9)(C)), owned or guaranteed by the Corporation, losses occur at a rate of default and severity reasonably related to risks in electric and telephone facility loans, respectively, as determined by the Director.

''(B) With respect to securities representing an interest in, or obligations backed by, a pool of other''.

SEC. 5040. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LANDS.

Section 1 of Public Law 91–229 (25 U.S.C. 488) is amended by adding at the end the following: ''The Secretary of Agriculture may make and insure loans as provided in section 309 of the Consolidated Farm and Rural Development Act to eligible purchasers of highly fractionated land pursuant to section 204(c) of the Indian Land Consolidation Act. Section 4 of this Act shall not apply to trust or restricted tribal or tribal corporation property mortgaged pursuant to the preceding sentence.''.

TITLE VI—RURAL DEVELOPMENT

Sec. 6001. Definition of rural.
Sec. 6002. Water, waste disposal, and wastewater facility grants.
Sec. 6003. Rural business opportunity grants.
Sec. 6004. Rural water and wastewater circuit rider program.
Sec. 6005. Tribal college and university essential community facilities.
Sec. 6006. Emergency and imminent community water assistance grant program.
Sec. 6007. Water systems for rural and native villages in Alaska.
Sec. 6008. Grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes.
Sec. 6009. Rural cooperative development grants.
Sec. 6010. Criteria to be applied in providing loans and loan guarantees under the business and industry loan program.
Sec. 6011. Appropriate technology transfer for rural areas program.
Sec. 6012. Grants to improve technical infrastructure and improve quality of rural health care facilities.
Sec. 6013. Rural entrepreneur and microenterprise assistance program.
Sec. 6014. Criteria to be applied in considering applications for rural development projects.
Sec. 6015. National sheep industry improvement center.
Sec. 6016. National rural development partnership.
Sec. 6017. Historic barn preservation.
Sec. 6018. Grants for NOAA weather radio transmitters.
Sec. 6019. Delta regional authority.
Sec. 6020. Northern great plains regional authority.
Sec. 6021. Rural strategic investment program.
Sec. 6022. Expansion of 911 access.
Sec. 6023. Access to broadband telecommunications services in rural areas.
Sec. 6024. Community connect grant program.
Sec. 6025. Agriculture innovation center demonstration program.
Sec. 6026. Rural firefighters and emergency medical service assistance program.

Sec. 6027. Value-added agricultural market development program.
Sec. 6028. Assistance for rural public television stations.
Sec. 6029. Telemedicine and distance learning services in rural areas.
Sec. 6030. Guarantees for bonds and notes issued for electrification or telephone purposes.
Sec. 6031. Comprehensive rural broadband strategy.
Sec. 6032. Study of railroad issues.

SEC. 6001. DEFINITION OF RURAL.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall prepare 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 that—

(1) assesses the varying definitions of ''rural'' used by the Department of Agriculture;

(2) describes the effects those varying definitions have on the programs administered by the Department of Agriculture; and

(3) makes recommendations for ways to better target funds provided through rural development programs.

SEC. 6002. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.

Section 306(a)(2)(B)(vii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)(vii)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6003. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6004. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(22)(C)) is amended by striking ''$15,000,000 for fiscal year 2003'' and inserting ''$25,000,000 for fiscal year 2008''.

SEC. 6005. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(25) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) FEDERAL SHARE.—The Secretary shall establish the maximum percentage of the cost of the facility that may be covered by a grant under this paragraph, except that the Secretary may not require non-Federal financial support in an amount that is greater than 5 percent of the total cost.''; and

(2) in subparagraph (C), by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6006. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6007. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking ''2001 through 2007'' and inserting ''2008 through 2012''.

SEC. 6008. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

Section 306E(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e(d)) is amended by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6009. RURAL COOPERATIVE DEVELOPMENT GRANTS.

(a) ELIGIBILITY.—Section 310B(e)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(5)) is amended—

(1) in subparagraph (A), by striking ''a nationally coordinated, regionally or State-wide operated project'' and inserting ''activities to promote and assist the development of cooperatively and mutually owned businesses'';

(2) in subparagraph (B), by inserting ''to promote and assist the development of cooperatively and mutually owned businesses'' before the semicolon;

(3) by striking subparagraphs (D) and (F) and redesignating subparagraph (E) as subparagraph (D); and

(4) adding at the end the following:

''(E) demonstrate a commitment to—

''(i) networking with and sharing the results of its efforts with other cooperative development centers and other organizations involved in rural economic development efforts; and

''(ii) developing multi-organization and multi-State approaches to addressing the cooperative and economic development needs of rural areas.''.

(b) AUTHORITY TO AWARD MULTI-YEAR GRANTS.—Section 310(B)(e)(6) of such Act (7 U.S.C. 1932(e)(6)) is amended to read as follows:

''(6) Grants awarded to centers that have received no prior funding under this subsection shall be made for a period of 1 year. The Secretary shall evaluate programs receiving assistance under this subsection. The Secretary may award grants for a period of more than 1 year, but not more than 3 years, to centers that have successfully met the criteria under paragraph (5).''.

(c) AUTHORITY TO EXTEND GRANT PERIOD FOR 1 YEAR.—Section 310B(e) of such Act (7 U.S.C. 1932(e)) is amended by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively, and inserting after paragraph (6) the following:

''(7) The Secretary may extend for only 1 additional 12-month period the period in which a grantee may use a grant made under this subsection.''.

(d) COOPERATIVE RESEARCH PROGRAM.—Section 310B(e) of such Act (7 U.S.C. 1932(e)), as amended by subsection (c) of this section, is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and inserting after paragraph (9) the following:

''(10) The Secretary shall enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the national economic effects of all types of cooperatives.''.

(e) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—Section 310B(e) of such Act (7 U.S.C. 1932(e)), as amended by subsections (c) and (d) of this section, is amended by redesignating paragraph (11) as paragraph (12) and inserting after paragraph (10) the following:

''(11)(A) If the total amount appropriated under paragraph (12) of this subsection for a fiscal year exceeds $7,500,000, the Secretary shall reserve an amount equal to 20 percent of the amount so appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives, serving socially disadvantaged (within the meaning of section 355(e)) communities, a majority of the boards of directors or governing boards of which are comprised of socially disadvantaged (withing such meaning) individuals.

''(B) To the extent that the Secretary determines that funds reserved under subparagraph (A) will not be used for grants described in subparagraph (A) because of insufficient applications for the grants, the Secretary shall use the funds as otherwise authorized by this subsection.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 310B(e)(12) of such Act (7 U.S.C. 1932(e)(12)), as so redesignated by subsections (c) through (e) of this section, is amended by striking ''2007'' and inserting ''2012''.

SEC. 6010. CRITERIA TO BE APPLIED IN PROVIDING LOANS AND LOAN GUARANTEES UNDER THE BUSINESS AND INDUSTRY LOAN PROGRAM.

Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by adding at the end the following:

''(9)(A) In providing loans and loan guarantees under this section, the Secretary shall consider an application more favorably when compared to other applications to the extent that the project described in the application supports community development and farm and ranch income by marketing, distributing, storing, aggregating, or processing a locally or regionally produced agricultural product.

''(B) In subparagraph (A), the term 'locally or regionally produced agricultural product' means an agricultural product—

''(I) which is produced and distributed in the locality or region where the finished product is marketed;

''(ii) which has been shipped a total distance of 400 or fewer miles, as determined by the Secretary; and

''(iii) about which the distributor has conveyed to the end-use consumers information regarding the origin of the product or production practices, or other valuable information.''.

SEC. 6011. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

''(i) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—

''(1) DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.—In this subsection, the term 'national nonprofit agricultural assistance institution' means an organization that—

''(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

''(B) has staff and offices in multiple regions;

''(C) operates national sustainable agriculture technical assistance programs; and

''(D) provides the technical assistance through toll-free hotlines, a website, publications, and work shops.

''(2) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information to help the agricultural producers—

''(A) reduce input costs;

''(B) conserve energy resources;

''(C) diversify operations through new energy crops and energy generation facilities; and

''(D) expand markets for the agricultural commodities produced by the producers through use of sustainable farming practices.

''(3) IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance organization.

''(B) COST SHARE.—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information pursuant to paragraph (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection $5,000,000 for each fiscal year.''.

SEC. 6012. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r), as amended by section 5025 of this Act, is amended by inserting after section 365 the following:

"SEC. 366. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

''(a) IN GENERAL.—The Secretary shall establish a program to award grants to rural health facilities for the purpose of assisting the facilities in—

''(1) purchasing health information technology to improve quality in health care and patient safety; or

''(2) improving health care quality and patient safety, including the development of—

''(A) quality improvement support structures to assist rural health systems and professionals—

''(i) achieve greater integration of personal and population health services; and

''(ii) address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

''(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

''(b) DEFINITIONS.—In this section:

''(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

''(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

''(B) making improvements to computer software and hardware;

''(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

''(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

''(E) providing education and training to eligible entity staff on information systems and technology designed to improve patient safety and quality of care; and

''(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

''(i) integrates patient-specific clinical data with well-established national treatment guidelines;

''(ii) provides ongoing, continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

''(iii) integrates with larger health networks.

''(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

''(A) included within the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 inhabitants; or

''(B) the urbanized area contiguous and adjacent to such a city or town.

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of the following:

''(A) SOLE COMMUNITY HOSPITAL.—A hospital (as defined in section 1886(a)(2) of the Social Security Act (42 U.S.C. 1395ww(a)(2))).

''(B) CRITICAL ACCESS HOSPITAL.—A critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1))).

''(C) FEDERALLY QUALIFIED HEALTH CENTER IN RURAL AREAS.—A Federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4)) that is located in a rural area.

''(D) RURAL PHYSICIAN OR RURAL PHYSICIAN GROUP PRACTICE.—A physician or physician group practice that is located in a rural area.

''(E) RURAL HEALTH CLINIC.—A rural health clinic (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2))).

''(F) MEDICARE DEPENDENT HOSPITAL.—A medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)(iv))).

''(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant awarded under this section.

''(d) FURNISHING THE SECRETARY WITH INFORMATION.—An eligible entity receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to—

''(1) evaluate the project for which the grant is made; and

''(2) ensure that assistance provided under the grant is expended for the purposes for which the grant is made.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of the fiscal years 2008 through 2012.''.

SEC. 6013. RURAL ENTREPRENEUR AND MICROENTERPRISE ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r), as amended by sections 5025 and 6012 of this Act, is amended by inserting after section 366 the following:

"SEC. 367. RURAL ENTREPRENEUR AND MICROENTERPRISE ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ECONOMICALLY DISADVANTAGED MICROENTREPRENEUR.—The term 'economically disadvantaged microentrepreneur' means an owner, majority owner, or developer of a microenterprise that has the ability to compete in the private sector but has been impaired because of diminished capital and credit opportunities, as compared to other microentrepreneurs in the industry.

''(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) INTERMEDIARY.—The term 'intermediary' means a nonprofit entity that provides assistance—

''(A) to a microenterprise development organization; or

''(B) for a microenterprise development program.

''(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual with an income (adjusted for family size) of not more than 80 percent of the national median income.

''(5) MICROCREDIT.—The term 'microcredit' means a business loan or loan guarantee of not more than $50,000 that is provided to a rural entrepreneur.

''(6) MICROENTERPRISE.—The term 'microenterprise' means—

''(A) a sole proprietorship; or

''(B) a business entity with not more than 10 full-time-equivalent employees.

''(7) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—

''(A) IN GENERAL.—The term 'microenterprise development organization' means a nonprofit entity that—

''(i) provides training and technical assistance to rural entrepreneurs; and

''(ii) facilitates access to capital or another service described in subsection (b) for rural entrepreneurs.

''(B) INCLUSIONS.—The term 'microenterprise development organization' includes an organization described in subparagraph (A) with a demonstrated record of delivering services to economically disadvantaged microentrepreneurs, or an effective plan to develop a program to deliver microenterprise services to rural entrepreneurs effectively, as determined by the Secretary.

''(8) MICROENTERPRISE DEVELOPMENT PROGRAM.—The term 'microenterprise development program' means a program administered by a qualified organization serving a rural area.

''(9) MICROENTREPRENEUR.—The term 'microentrepreneur means' the owner, operator, or developer of a microenterprise.

''(10) PROGRAM.—The term 'program' means the rural entrepreneur and microenterprise program established under subsection (b)(1).

''(11) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

''(A) a microenterprise development organization or microenterprise development program that has a demonstrated record of delivering microenterprise services to rural entrepreneurs, or an effective plan to develop a program to deliver microenterprise services to rural entrepreneurs effectively, as determined by the Secretary;

''(B) an intermediary that has a demonstrated record of delivering assistance to microenterprise development organizations or microenterprise development programs;

''(C) an Indian tribe, the tribal government of which certifies to the Secretary that there is no microenterprise development organization or microenterprise development program under the jurisdiction of the Indian tribe;

''(D) a group of 2 or more organizations or Indian tribes described in any of subparagraphs (A) through (C) that agree to act jointly as a qualified organization under this section; or

''(E) for purposes of subsection (b), a public college or university that has a demonstrated record of delivering assistance to microenterprise development organizations or microenterprise development programs.

''(12) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

''(A) included within the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 inhabitants; or

''(B) the urbanized area contiguous and adjacent to such a city or town.

''(13) RURAL CAPACITY-BUILDING SERVICE.—The term 'rural capacity-building service' means a service provided to an organization that—

''(A) is, or is in the process of becoming, a microenterprise development organization or microenterprise development program; and

''(B) serves rural areas for the purpose of enhancing the ability of the organization to provide training, technical assistance, and other related services to rural entrepreneurs.

''(14) RURAL ENTREPRENEUR.—The term 'rural entrepreneur' means a microentrepreneur, or prospective microentrepreneur—

''(A) the principal place of business of which is in a rural area; and

''(B) that is unable to obtain sufficient training, technical assistance, or microcredit elsewhere, as determined by the Secretary.

''(15) TRIBAL GOVERNMENT.—The term 'tribal government' means the governing body of an Indian tribe.

''(b) RURAL ENTREPRENEURSHIP AND MICROENTERPRISE PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a rural entrepreneurship and microenterprise program.

''(2) PURPOSE.—The purpose of the program shall be to provide low-income individuals and moderate-income individuals with—

''(A) the skills necessary to establish new small businesses in rural areas; and

''(B) continuing technical and financial assistance as individuals and business starting or operating small businesses.

''(3) GRANTS.—

''(A) IN GENERAL.—The Secretary may make a grant under the program to a qualified organization—

''(i) to provide training, operational support, or a rural capacity-building service to a qualified organization to assist the qualified organization in developing microenterprise training, technical assistance, market development assistance, and other related services, primarily for business with 10 or fewer full-time-equivalent employees;

''(ii) to assist in researching and developing the best practices in delivering training, technical assistance, and microcredit to rural entrepreneurs; and

''(iii) to carry out such other projects and activities as the Secretary determines to be consistent with the purposes of this section.

''(B) DIVERSITY.—In making grants under this paragraph, the Secretary shall ensure, to the maximum extent practicable, that grant recipients include qualified organizations—

''(i) of varying sizes; and

''(ii) that serve racially and ethnically diverse populations.

''(C) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—As a condition of any grant made to a qualified organization under this paragraph, the Secretary shall require the qualified organization to match not less than 25 percent of the total amount of the grant.

''(ii) SOURCES.—In addition to cash from non-Federal sources, a matching share provided by the qualified organization may include indirect costs or in-kind contributions funded under non-Federal programs.

''(4) RURAL MICROLOAN AND TECHNICAL ASSISTANCE PROGRAM.—

''(A) ESTABLISHMENT.—In carrying out the program, the Secretary may carry out a rural microloan program.

''(B) PURPOSE.—The purpose of the rural microloan program shall be to provide technical and financial assistance through qualified organizations to sole proprietorships and small businesses located in rural areas with a particular focus on businesses with 10 or fewer full-time equivalent employees.

''(C) AUTHORITY OF SECRETARY.—In carrying out the rural microloan program, the Secretary may—

''(i) make loans to qualified organizations for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing rural microbusiness concerns; and

''(ii) in conjunction with the loans, provide grants in accordance with subparagraph (E) to the organizations for the purpose of providing intensive marketing, management, and technical assistance to small business concerns that are borrowers under this paragraph.

''(D) LOAN DURATION; INTEREST RATES; CONDITIONS.—

''(i) LOAN DURATION.—A loan made by the Secretary under this paragraph shall be for a term of 20 years.

''(ii) APPLICABLE INTEREST RATES.—A loan made by the Secretary under this paragraph to a qualified organization shall bear an annual interest rate of at least 1 percent.

''(iii) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary may permit the deferral of payments, for principal and interest, on a loan made under this paragraph for a period of not more than 2 years, beginning on the date the loan is made.

''(E) GRANT AMOUNTS.—

''(i) IN GENERAL.—Except as otherwise provided in this section, each qualified organization that receives a loan under this paragraph shall be eligible to receive a grant to provide marketing, management, and technical assistance to small business concerns that are borrowers or potential borrowers under this subsection.

''(ii) MAXIMUM AMOUNT FOR MICROENTERPRISE DEVELOPMENT ORGANIZATIONS.—Each microenterprise development organization that receives a loan under this paragraph shall receive an annual grant in an amount equal to not more than 25 percent of the total outstanding balance of loans made to the microenterprise development organization under this paragraph, as of the date the grant is made.

''(iii) MATCHING REQUIREMENT.—

''(I) IN GENERAL.—As a condition of any grant made to a qualified organization under this subparagraph, the Secretary shall require the qualified organization to match not less than 15 percent of the total amount of the grant.

''(II) SOURCES.—In addition to cash from non-Federal sources, a matching share provided by the qualified organization may include indirect costs or in-kind contributions funded under non-Federal programs.

''(c) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of assistance received by a qualified organization for a fiscal year under this section may be used to pay administrative expenses.

''(d) FURNISHING THE SECRETARY WITH INFORMATION.—A qualified organization that receives a grant under subsection (b)(3) or loan under subsection (b)(4) shall furnish the Secretary by December 1 such information as the Secretary may require to ensure that assistance provided under the grant or loan is expended for the purposes for which the grant or loan is made.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $20,000,000 for each of the fiscal years 2008 through 2012.''.

SEC. 6014. CRITERIA TO BE APPLIED IN CONSIDERING APPLICATIONS FOR RURAL DEVELOPMENT PROJECTS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r), as amended by sections 5025, 6012, and 6013 of this Act, is amended by inserting after section 367 the following:

''SEC. 368. CRITERIA TO BE APPLIED IN CONSIDERING APPLICATIONS FOR RURAL DEVELOPMENT PROJECTS.

''(a) IN GENERAL.—The Secretary shall review the income demographics, population, seasonal increases, and other factors as determined by the Secretary, of eligible communities for each program authorized or modified by, or funded pursuant to, an amendment made by title VI of the Farm, Nutrition, and Bioenergy Act of 2007 or section 306, 306A, 306C, 306D, 306E, 310(c), 310(e), 310B(b), 310B(c), 310B(e), or 379B, or subtitle F, G, H, or I of this Act, and which proposes to serve a rural area (as defined by the applicable law).

''(b) REGULATIONS.—The Secretary shall issue regulations to establish the applicable limitations that a rural area cannot exceed in order to remain eligible for a program referred to in subsection (a).''.

SEC. 6015. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) FUNDING.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking paragraphs (B) and (C) and inserting the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of the fiscal years 2008 through 2012.''.

(b) ELIMINATION OF REQUIREMENT TO PRIVATIZE REVOLVING FUND.— Section 375 of such Act (7 U.S.C. 2008j) is amended by striking subsection (j).

SEC. 6016. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m(g)(1)) is amended by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6017. HISTORIC BARN PRESERVATION.

(a) GRANT PRIORITY.—Section 379A(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5) and inserting after paragraph (2) the following:

''(3) PRIORITY.—In making grants under this subsection, the Secretary shall give the highest priority to funding projects described in paragraph (2)(C).''.

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 379A(c)(5) of such Act (7 U.S.C. 2008o(c)(5)), as so redesignated by subsection (a) of this section, is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6018. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6019. DELTA REGIONAL AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa-12(a)) is amended by striking ''2001 through 2007'' and inserting ''2008 through 2012''.

(b) TERMINATION OF AUTHORITY.—Section 382N of such Act (7 U.S.C. 2009aa-13) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6020. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

(a) FEDERAL SHARE OF ADMINISTRATIVE EXPENSES.—Section 383B(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb-1(g)(1)) is amended—

(1) in subparagraph (A), by striking ''2002'' and inserting ''2007'';

(2) in subparagraph (B), by striking ''2003'' and inserting ''2008''; and

(3) in subparagraph (C), by striking ''2004'' and inserting ''2009''.

(b) TECHNICAL AMENDMENT.—Section 383B(d)(6)(A) of such Act (7 U.S.C. 2009bb-1(d)(6)(A)) is amended by inserting ''and resource conservation'' after ''development''.

(c) ELIMINATION OF PRIORITIZATION RANKING OF ACTIVITIES TO BE FUNDED.—Section 383C(b)(2) of such Act (7 U.S.C. 2009bb-2(b)(2)) is amended by striking ''activities in the following order of priority'' and inserting ''following activities''.

(d) ELIMINATION OF ISOLATED AREA OF DISTRESS DESIGNATION.—

(1) IN GENERAL.—Section 383F(a) of such Act (7 U.S.C. 2009bb-5(a)) is amended—

(A) by adding ''and'' at the end of paragraph (1);

(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 383F(b) of such Act (7 U.S.C. 2009bb-5(b)) is amended—

(A) in paragraph (1), by striking ''and isolated areas of distress''; and

(B) in paragraph (2), by striking ''or isolated areas of distress''.

(e) REDUCTION OF MINIMUM FUNDS ALLOCATION FOR DISTRESSED COUNTIES.—Section 383F(b)(1) of such Act (7 U.S.C. 2009bb-5(b)(1)) is amended by striking ''75'' and inserting ''50''.

(f) ELIMINATION OF PROHIBITION ON PROVIDING FUNDS TO NONDISTRESSED COUNTIES.—Section 383F of such Act (7 U.S.C. 2009bb-5) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(g) INCLUSION OF RENEWABLE ENERGY AMONG OBJECTS OF MINIMUM FUNDS ALLOCATION.—Section 383F(c) of such Act (7 U.S.C. 2009bb-5(c)), as so redesignated by subsection (a) of this section, is amended—

(1) in the subsection heading, by inserting ''RENEWABLE ENERGY,'' after ''TELECOMMUNICATION,''; and

(2) by inserting ''renewable energy,'' after ''telecommunication''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 383M(a) of such Act (7 U.S.C. 2009bb-12(a)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

(i) TERMINATION OF AUTHORITY.—Section 383N of such Act (7 U.S.C. 2009bb-13) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6021. RURAL STRATEGIC INVESTMENT PROGRAM.

(a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 385E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd-4) is amended to read as follows:

''SEC. 385E. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out this subtitle not more than $25,000,000 for each of the fiscal years 2008 through 2012.''.

(b) PRESERVATION AND PROMOTION OF RURAL HERITAGE.—

(1) DEFINITION.—Section 385B of such Act (7 U.S.C. 2009dd-1) is amended by adding at the end the following:

''(12) RURAL HERITAGE.—The term 'rural heritage' means historic sites, structures, and districts which may include rural downtown areas and main streets, neighborhoods, farmsteads, scenic and historic trails, and heritage areas and historic landscapes.''.

(2) RURAL STRATEGIC INVESTMENT PLANNING GRANTS.—Section 385F(b) of such Act (7 U.S.C. 2009dd-5(b)) is amended—

(A) by striking ''and'' at the end of paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

''(7) preservation and promotion of rural heritage; and''.

(3) INNOVATION GRANTS.—Section 385G(d) of such Act (7 U.S.C. 2009dd-6(d)) is amended—

(A) by striking ''and'' at the end of paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

''(7) demonstrate a plan to protect and promote rural heritage; and''.

SEC. 6022. EXPANSION OF 911 ACCESS.

Section 315(b) of the Rural Electrification Act of 1936 (7 U.S.C. 904e(b)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6023. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) DEFINITIONS.—Section 601(b) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)) is amended by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE RURAL COMMUNITY.—The term 'eligible rural community' means any area of the United States that is not—

''(A) included within the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 inhabitants; or

''(B) the urbanized area contiguous and adjacent to such a city or town.''.

(b) PRIORITIZATION OF APPLICATIONS.—

(1) DEFINITION.—Section 601(b) of such Act (7 U.S.C. 950bb(b)), as amended by subsection (a) of this section, is amended by adding at the end the following:

''(3) INCUMBENT SERVICE PROVIDER.—The term 'incumbent service provider' means, with respect to an application submitted pursuant to this section, an entity that is providing broadband service to at least 5 percent of the households in the service area proposed in the application.''.

(2) PRIORITY BASED ON NUMBER OF INCUMBENT SERVICE PROVIDERS.—Section 601(c) of such Act (7 U.S.C. 950bb(c)) is amended by adding at the end the following:

''(3) APPLICATIONS PRIORITIZED BASED ON NUMBER OF INCUMBENT SERVICE PROVIDERS.—

''(A) IN GENERAL.—In making or guaranteeing loans under paragraph (1), the Secretary shall give priority, in the following order, to applications from eligible rural communities that have—

''(i) no incumbent service provider;

''(ii) 1 incumbent services provider; or

''(iii) 2 incumbent service providers who, together, serve not more than 25 percent of the households in the service area proposed in the application.

''(B) PROHIBITIONS.—In carrying out this section, the Secretary may not—

''(i) make a loan to an eligible community in which there are 3 or more incumbent service providers, unless—

''(I) the loan is to an incumbent service provider of the community;

''(II) the other providers in that community are notified of the application before approval by the Secretary, and have sufficient time to comment on the application; and

''(III) the application includes substantially increasing—

''(aa) the quality of broadband service in the community; and

''(bb) the provision of broadband service to unserved households inside and outside the community; or

''(ii) make a loan for new construction to any community in which more than 75 percent of the households may obtain affordable broadband service, on request, from at least 1 incumbent service provider.''.

(c) PAPERWORK REDUCTION.—Section 601(c) of such Act (7 U.S.C. 950bb(c)), as amended by subsection (b)(2) of this section, is amended by adding at the end the following:

''(4) PAPERWORK REDUCTION.—The Secretary shall take steps to reduce the cost and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants, particularly those who are smaller and start-up Internet providers, including by providing for a new application which shall maintain the ability of the Secretary to make an analysis of the risk associated with the loan involved.''.

(d) INCREASE IN MAXIMUM NUMBER OF SUBSCRIBER LINES THAT MAY BE SERVED BY AN ELIGIBLE ENTITY.—Section 601(d)(3) of such Act (7 U.S.C. 950bb(d)(3)) is amended by striking ''2'' and inserting ''10''.

(e) LIMITATION ON FUNDS TO ENTITIES WITH MORE THAN 2 PERCENT OF SUBSCRIBER LINES.—Section 601(d) of such Act (7 U.S.C. 950bb(d)) is amended by adding at the end the following:

''(4) LIMITATION ON FUNDS TO ENTITIES WITH MORE THAN 2 PERCENT OF SUBSCRIBER LINES.—Not more than 25 percent of the loans made under this section in a single fiscal year may be approved for entities that serve more than 2 percent of the telephone subscriber lines in the United States.''.

(f) LOAN TERM NOT TO EXCEED 35 YEARS.—Section 601(g)(2) of such Act (7 U.S.C. 950bb(g)(2)) is amended by striking ''not to exceed the useful life of the assets constructed, improved, or acquired with the proceeds of the loan or extension of credit.'' and inserting ''of such length, not exceeding 35 years, as the borrower may request, so long as the Secretary determines that the loan is adequately secured. In determining the term of a loan or loan guarantee, the Secretary shall consider whether the recipient is or would be serving an area that is not receiving broadband services.''

(g) ADEQUACY OF SECURITY.—Section 601 of such Act (7 U.S.C. 950bb) is amended by redesignating subsections (h) through (k) as subsections (i) through (l), respectively, and inserting after subsection (g) the following:

''(h) ADEQUACY OF SECURITY.—The Secretary shall ensure that the type, amount, and method of security used to secure any loan or loan guarantee provided under this section is commensurate to the risk involved with the loan or loan guarantee, particularly when the loan or loan guarantee is issued to a financially healthy, strong, and stable entity. In determining the amount and method of security, the Secretary shall consider reducing the security in areas that do not have broadband service.''.

(h) GENERAL REPORT ON PROGRAM.—Section 601 of such Act (7 U.S.C. 950bb), as amended by subsection (g) of this section, is amended by redesignating subsections (k) and (l) as subsections (l) and (m), respectively, and inserting after subsection (j) the following:

''(k) GENERAL PROGRAM REPORT.—Not later than December 1 of each year, the Secretary shall prepare 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 that details for the preceding fiscal year—

''(1) the loans made under this section;

''(2) the communities served under this section;

''(3) the speed of the broadband service offered by applicants for, and recipients of, loans or loan guarantees under this section;

''(4) the type of services offered by the applicants and recipients;

''(5) the length of time to approve applications submitted pursuant to this section; and

''(6) the outreach efforts undertaken by the Department of Agriculture to encourage persons in areas without broadband service to submit applications pursuant to this section.''.

(i) NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.—Section 601 of such Act (7 U.S.C. 950bb), as amended by subsections (g) and (h) of this section, is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and inserting after subsection (k) the following:

''(l) NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.—

''(1) ESTABLISHMENT OF CENTER.—The Secretary shall designate a National Center for Rural Telecommunications Assessment (in this subsection referred to as the 'Center').

''(2) CRITERIA.—The Secretary shall use the following criteria in making the designation:

''(A) The Center must be an entity with a focus on rural policy research and a minimum of 5 years experience in rural telecommunications research and assessment.

''(B) The Center must be capable of assessing broadband services in rural areas.

''(C) The Center must have significant experience with other rural economic development centers and organizations in the assessment of rural policies and formulation of policy solutions at the local, State, and Federal level.

''(3) BOARD.—The management of the Center shall be vested in a board of directors that is capable of oversight of the duties set forth in paragraph (4).

''(4) DUTIES.—The Center shall—

''(A) assess the effectiveness of programs provided under subsection (b) in increasing broadband penetration and purchase in rural areas, especially in those rural communities identified by the Secretary as having no service before award of a broadband loan or loan guarantee under subsection (b);

''(B) develop assessments of broadband availability in rural areas, working with existing rural development centers selected by the Center;

''(C) identify policies and initiatives at the local, State and Federal level that have increased broadband penetration and purchase in rural areas;

''(D) conduct a national study of rural households and businesses focusing on the adoption of, barriers to, and utilization of broadband services; and

''(E) provide reports to the public on the activities undertaken under this section.

''(5) REPORTING REQUIREMENTS.—The Center shall report by December 1 of each year to the Secretary its activities, the results of its research, and any such information the Secretary may request regarding the prior fiscal year. In reporting to the Secretary the Center shall include the following:

''(A) Assessments of the programs provided under subsection (b).

''(B) Annual assessments on broadband availability in rural areas under consideration by the Center.

''(C) Annual assessments on the effects of the policy initiatives identified in paragraph (2)(C).

''(D) Results from the national study of rural households and businesses conducted under paragraph (4)(D).

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection not more than $1,000,000 for each of the fiscal years 2008 through 2012.''.

(j) FUNDING.—Section 601(m) of such Act (7 U.S.C. 950bb(l)) as so redesignated by subsections (g) through (i) of this section, is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(3) in paragraph (1)(B) (as so redesignated), by striking ''2007'' and inserting ''2012'';

(4) in paragraph (2) (as so redesignated), by striking ''2003 through 2007'' and inserting ''2008 through 2012''; and

(5) in paragraph (3) (as so redesignated), by adding at the end the following:

''(D) ELIGIBLE TRIBAL COMMUNITIES.—Of the amounts made available under subparagraph (A) for a fiscal year, 10 percent shall be reserved for entities serving eligible tribal communities.

''(E) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for eligible tribal communities for a fiscal year under subparagraph (D) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.''.

(k) EXTENSION OF AUTHORITY TO ISSUE LOANS.—Section 601(n) of such Act (7 U.S.C. 950bb(m)), as so redesignated by subsections (f) through (h) of this section, is amended by striking ''2007'' and inserting ''2012''.

SEC. 6024. COMMUNITY CONNECT GRANT PROGRAM.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended by adding at the end the following:

''SEC. 602. COMMUNITY CONNECT GRANT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a grant program to be known as the 'Community Connect Grant Program' to provide financial assistance to eligible applicants to provide broadband transmission service that fosters economic growth and delivers enhanced educational, health care, and public safety services.

''(b) ELIGIBILITY.—To be eligible for a grant under this section, the applicant must—

''(1) be legally organized as an incorporated tribal organization, an Indian tribe, or tribal organization, as defined in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b) and (c)), a State or local unit of government, or other legal entity, including a cooperative, private corporation, or limited liability company organized on a for-profit or not-for-profit basis;

''(2) have the legal capacity and authority to own and operate broadband facilities as proposed in its application, to enter into contracts, and to otherwise comply with applicable Federal statutes and regulations; or

''(3) be in an eligible rural community (as defined in section 601(b)(2) of the Rural Electrification Act of 1936).

''(c) INELIGIBLE GRANT PURPOSES.—A grant made under this section may not be used—

''(1) to finance the duplication of any broadband transmission service provided by another entity; or

''(2) with respect to facilities, to provide local exchange telecommunications service to any person or entity receiving the service.

''(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to grants that will enhance community access to telemedicine and distance learning resources.

''(e) MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a grant applicant shall provide a matching contribution of at least 15 percent of the grant amount requested, in funds and in-kind contributions in a proportion to be determined by the Secretary.

''(2) LIMITATIONS.—

''(A) Costs incurred by or on behalf of an applicant, for facilities, installed equipment, or other services rendered before submission of a completed application shall not be considered to be for an eligible grant purpose or a matching contribution.

''(B) Any financial assistance from Federal sources shall not be considered to be a matching contribution for purposes of this section, unless there is a Federal statutory exception specifically authorizing the Federal financial assistance to be so considered.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $25,000,000 for each of the fiscal years 2008 through 2012.''.

SEC. 6025. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6402(i) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note; Public Law 107–171) is amended to read as follows:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $6,000,000 for each of the fiscal years 2008 through 2012.''.

SEC. 6026. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note) is amended to read as follows:

''SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

''(a) GRANTS.—The Secretary shall award grants to eligible entities to—

''(1) enable the entities to provide for improved emergency medical services in rural areas; and

''(2) pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be—

''(A) a State emergency medical services office;

''(B) a State emergency medical services association;

''(C) a State office of rural health;

''(D) a local government entity;

''(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(F) a State or local ambulance provider; or

''(G) any other entity determined appropriate by the Secretary; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

''(A) a description of the activities to be carried out under the grant; and

''(B) an assurance that the applicant will comply with the matching requirement of subsection (e).

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (a) only in rural areas to—

''(1) hire or recruit emergency medical service personnel;

''(2) recruit or retain volunteer emergency medical service personnel;

''(3) train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

''(4) fund training to meet State or Federal certification requirements;

''(5) provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel;

''(6) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

''(7) acquire emergency medical services vehicles, including ambulances;

''(8) acquire emergency medical services equipment, including cardiac defibrillators;

''(9) acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

''(10) educate the public concerning cardiopulmonary resuscitation (CPR), first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

''(d) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

''(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (b)(1); and

''(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (c).

''(e) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 5 percent of the amount received under the grant.

''(f) EMERGENCY MEDICAL SERVICES.—In this section, the term 'emergency medical services'—

''(1) means resources used by a qualified public or private nonprofit entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

''(A) the condition of the patient; or

''(B) a natural disaster or similar situation; and

''(2) includes (compensated or volunteer) services delivered by an emergency medical services provider or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or the equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical services provider.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses.''.

SEC. 6027. VALUE-ADDED AGRICULTURAL MARKET DEVELOPMENT PROGRAM.

(a) DEFINITION OF MID-TIER VALUE CHAIN.—Section 231(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended by adding at the end the following:

''(3) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means local and regional supply networks that link independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

''(A) targets and strengthens the profitability and competitiveness of small and medium-sized family farms, as defined in regulations pursuant to Section 302 of the Consolidated Farm and Rural Development Act; and

''(B) obtains agreement from the eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture engaged in the value chain in the method for price determination.''.

(b) FUNDING; RESERVATION OF FUNDS; GRANT AWARD CRITERIA.—Section 231(b) of such Act (7 U.S.C. 1621 note; Public Law 106–224) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) FUNDING.—Not later than 30 days after the date of the enactment of this paragraph, on October 1, 2008, and on each October 1 thereafter through October 1, 2012, of the funds of

the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $30,000,000, to remain available until expended.

''(5) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS AND RANCHERS OR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND MID-TIER VALUE CHAINS.—

''(A) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available under paragraph (4) to fund projects that benefit beginning farmers and ranchers (as defined in section 343(a)(11) of the Consolidated Farm and Rural Development Act) or socially disadvantaged farmers and ranchers (as defined in section 355(e) of such Act).

''(B) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available under paragraph (4) to fund applications of eligible entities described in paragraph (1) that propose to develop mid-tier value chains.

''(C) UNOBLIGATED AMOUNTS.—Any amounts in the reserves established under subparagraphs (A) and (B) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this section to eligible entities in any State, as determined by the Secretary.''; and

(2) by adding at the end the following:

''(6) CRITERIA TO BE APPLIED IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall consider an application more favorably when compared to other applications to the extent that the project contributes to increasing opportunities for operators of small and medium-size farms and ranches structured as family farms (as defined in regulations prescribed under section 302 of the Consolidated Farm and Rural Development Act).''.

SEC. 6028. ASSISTANCE FOR RURAL PUBLIC TELEVISION STATIONS.

Section 2333 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. Sec. 950aaa-2) is amended by adding at the end the following:

''(j) DIGITAL SERVICE TRANSITION ASSISTANCE FOR PUBLIC TELEVISION STATIONS.—The Secretary may provide grants under this section to noncommercial education television broadcast stations that serve rural areas for the purposes of developing digital facilities, equipment, and infrastructure to enhance digital services to rural areas.''.

SEC. 6029. TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 950aaa-5) is amended by striking ''2007'' and inserting ''2012''.

(b) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6030. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

Section 313A(f) of the Rural Electrification Act of 1936 (7 U.S.C. 940c-1(f)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6031. COMPREHENSIVE RURAL BROADBAND STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture 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 describing a comprehensive rural broadband strategy that includes—

(1) recommendations—

(A) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the polices, programs, and services;

(B) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

(C) to address both short- and long-term solutions and needs assessments for a rapid buildout of rural broadband solutions and applications for Federal, State, regional, and local government policy makers;

(D) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(E) to promote successful model deployments and appropriate technologies being used in rural areas so that State, regional, and local governments can benefit from the cataloging and successes of other State, regional, and local governments; and

(2) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

SEC. 6032. STUDY OF RAILROAD ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of Transportation, shall conduct a study of railroad issues regarding the movement of agricultural products, domestically produced renewable fuels and domestically produced resources for the production of electricity for rural America, and economic development in rural America. The study shall include an examination of the following:

(1) The importance of freight railroads to—

(A) the delivery of equipment, seed, fertilizer, and other such products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural America;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural America; and

(G) the vitality and economic development of rural communities.

(2) The sufficiency in rural America of railroad capacity, the sufficiency of competition in the railroad system, the reliability of rail service, and the reasonableness of railroad prices.

(3) The accessibility to rail customers in rural America of Federal processes for the resolution of rail customer grievances with the railroads.

(b) REPORT TO THE CONGRESS.—Within 9 months after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Congress a report that contains the results of the study required by subsection (a), and the recommendations of the Secretary for new Federal policies to address any problems identified by the study.

TITLE VII—RESEARCH

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Sec. 7301. National genetics resources program.
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Subtitle A—General Provisions

SEC. 7101. DEFINITIONS.

For purposes of this title:

(1) CAPACITY PROGRAM.—The term ''capacity program'' means the capacity program in subparagraph (M) and each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of this Act:

(A) Each program providing funding to any of the 1994 institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) (commonly known as financial assistance, technical assistance, and endowments to tribal colleges and the Navajo Community College).

(B) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) providing research grants for 1994 institutions.

(C) Each program established under subsections (b), (c), and (d) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

(D) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

(E) Each program established under section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)), including grant programs under that section (commonly known as the 1890 Institution Teaching and Research Capacity Building Grants Program).

(F) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).

(G) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222) (commonly known as the Evans-Allen Program).

(H) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

(I) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

(J) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

(K) Each research and development and related program established under Public Law 87–788 (commonly known as the McIntire-Stennis Cooperative Forestry Act; 16 U.S.C. 582a et seq.).

(L) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

(M) The capacity building grant program for ASCARR Institutions established under this Act.

(N) Such other programs or parts of programs as determined appropriate by the Secretary.

(O) The program providing competitive extension grants to eligible 1994 institutions under section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)).

(2) COMPETITIVE PROGRAMS.—The term ''competitive programs'' means the competitive program in subparagraph (N) and each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of this Act:

(A) Competitive grant programs authorized or otherwise administered by the Department of Agriculture under the terms of section 2(b) of the Competitive, Special and Facilities Research Grant (7 U.S.C. 450i).

(B) Institution Challenge Grants, administered under 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(j)).

(C) Grants and related authorities authorized or otherwise administered by the Secretary of Agriculture under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)) (commonly known as the Higher Education Multicultural Scholars Program).

(D) Programs authorized or otherwise administered under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) (commonly known as educational grant programs for Hispanic-serving institutions).

(E) Integrated research, education, or extension programs authorized or otherwise administered under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) except as provided under subsection (a)(14).

(F) Sustainable Agriculture Research and Education (7 U.S.C. 5811).

(G) Organic Research and Extension Initiative (7 U.S.C. 5925b).

(H) Higher Education Challenge Grants (7 U.S.C. 3152(b)(1)).

(I) Food and Agriculture Sciences National Needs Graduate and Postgraduate Fellowship Grants (7 U.S.C. 3152(b)(6)).

(J) International Science and Education Competitive Grants (7 U.S.C. 3292b).

(K) Community Food Projects Competitive Grants (7 U.S.C. 2034).

(L) Risk Management Education (7 U.S.C. 1524).

(M) High Priority Research and Extension Areas (7 U.S.C. 5925).

(N) Such other programs or parts of programs as determined appropriate by the Secretary.

(3) CAPACITY PROGRAM CRITICAL BASE FUNDING.—The term ''capacity program critical base funding'' means the aggregate amount of Federal funds made available for all or individual capacity programs for fiscal year 2007, as appropriate.

(4) COMPETITIVE PROGRAM CRITICAL BASE FUNDING.—The term ''competitive program critical base funding'' means the aggregate amount of Federal funds made available for all or individual competitive programs for fiscal year 2007, as appropriate.

(5) ASCARR INSTITUTION.—

(A) IN GENERAL.—The term ''ASCARR Institution'' means a public college or university offering a baccalaureate or higher degree in the study of agriculture.

(B) EXCLUSIONS.—The term ''ASCARR Institution'' does not include Hispanic-serving agricultural colleges or any institution designated under—

(i) the Act of July 2, 1862 (commonly known as the ''First Morrill Act''; 7 U.S.C. 301 et seq.);

(ii) the Act of August 30, 1890 (commonly known as the ''Second Morrill Act''; 7 U.S.C. 321 et seq.); or

(iii) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) DIRECTORS.—The term ''Directors'' refers to those directors appointed under section 7104.

(8) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Agriculture for Research, Education, and Economics.

(9) HISPANIC-SERVING AGRICULTURAL COLLEGE.—The term ''Hispanic-serving agricultural college'' means a college or university that—

(A) qualifies as a ''Hispanic-serving institution'' as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)); and

(B) offers a baccalaureate degree program in an agricultural or food science-related discipline.

SEC. 7102. BUDGET SUBMISSION AND FUNDING.

(a) BUDGET REQUEST.—The President shall submit to Congress, together with the annual budget submission of the President, a single budget line item reflecting the total amount requested by the President for funding for capacity programs, and a single budget line item reflecting the total amount requested by the President for funding for competitive programs for

that fiscal year and for the previous 5 fiscal years.

(b) CAPACITY PROGRAM REQUEST.—

(1) CRITICAL BASE FUNDING.—Up to the amount of the capacity program critical base funding level, any funds requested for capacity programs in the budget submission single line item shall be apportioned among the capacity programs based on priorities established by the Under Secretary in conjunction with the Directors.

(2) ADDITIONAL FUNDING.—Of the funds requested for capacity programs in excess of the capacity program critical base funding level, budgetary emphasis should be placed on enhancing funding for the 1890, 1994, ASCARR Institutions, Hispanic-serving agricultural colleges, and small 1862 institutions.

(c) COMPETITIVE PROGRAM REQUEST.—

(1) CRITICAL BASE FUNDING.—Up to the amount of the competitive program critical base funding level, any funds requested for competitive programs in the budget submission single line item shall be apportioned among the competitive programs based on priorities established by the Under Secretary in conjunction with the Directors.

(2) ADDITIONAL FUNDING.—Of the funds requested for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis shall be placed on enhancing funding for emerging problems and their solutions.

(d) FUNDING.—

(1) CRITICAL BASE FUNDING.—Up to the total aggregate amount of the capacity program critical base funding level and the competitive program critical base funding level, funds appropriated or otherwise made available shall be apportioned among each of the capacity programs and the competitive programs based on priorities established by the Under Secretary in conjunction with the Directors.

(2) ADDITIONAL FUNDING.—

(A) CAPACITY FUNDING.—Of the funds appropriated or otherwise made available for capacity programs in excess of the capacity program critical base funding level, funding emphasis should be placed on enhancing funding for the 1890, 1994, ASCARR Institutions, Hispanic-serving agricultural colleges, and small 1862 institutions.

(B) COMPETITIVE FUNDING.—Of the funds appropriated or otherwise made available for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis shall be placed on enhancing funding for emerging problems and solutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

(f) COMPETITIVE PROGRAMS.—For the purposes of this section, the term ''competitive programs'' includes only those programs for which annual appropriations are requested in the President's budget.

SEC. 7103. ADDITIONAL PURPOSES OF AGRICULTURAL RESEARCH AND EXTENSION.

Section 1403 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3102) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (7) the following:

''(8) to integrate and organize the administration of the agricultural research, extension, education, and related programs administered by the Secretary of Agriculture to respond to 21st century challenges and continue to meet the needs of society from a local, tribal, State, national, and international perspective;

''(9) to minimize duplication, and maximize coordination and integration, among all of the programs at all levels through a solution-based approach; and

''(10) to position the agricultural research, extension, education, and related programs system to increase the contribution of the system to society through the expansion of the portfolio of the system.''.

SEC. 7104. NATIONAL AGRICULTURAL RESEARCH PROGRAM OFFICE.

(a) ESTABLISHMENT.—The Under Secretary shall organize within the office of the Under Secretary 6 research Program Offices to be known collectively as the National Agricultural Research Program Office, which shall coordinate the programs and activities of the research agencies within the mission area in an integrated, multidisciplinary, interdisciplinary, interagency, and interinstitutional manner, to the maximum extent practicable. The Program Offices within the National Agricultural Research Program Office are as follows:

(1) Renewable energy, natural resources, and environment.

(2) Food safety, nutrition, and health.

(3) Plant health and production.

(4) Animal health and production and animal products.

(5) Agriculture systems and technology.

(6) Agriculture economics and rural communities.

(b) QUALIFICATIONS OF DIRECTORS.—

(1) APPOINTMENT AND CLASSIFICATION.—The Under Secretary shall appoint a Director for each Program Office as a senior level position in the competitive service.

(2) QUALIFICATIONS.—To be eligible for appointment as a Director, an individual shall have—

(A) conducted outstanding research, education, or extension in the field of agriculture or forestry;

(B) earned a doctoral level degree at an institution of higher education (as defined in section 101 of Public Law 89–329 (20 U.S.C. 1001)); and

(C) met qualification standards prescribed by the Director of the Office of Personnel Management for appointment to a senior level position of the competitive service.

(c) DUTIES OF DIRECTORS.—Except as otherwise provided in this Act, each Director as appointed by the Secretary shall—

(1) formulate programs in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board (7 U.S.C. 3123) (hereinafter referred to as the ''Board'');

(2) assess strategic workforce needs of research, education, extension, and other fields;

(3) cooperate with the Board to plan programs that assist in meeting the future personnel needs of disciplines and programs;

(4) develop strategic planning for department-wide research, education, extension, and related activities;

(5) establish department-wide priorities for research, education, extension, and related programs;

(6) communicate with research, education, and extension beneficiaries to identify their needs; and

(7) perform such other duties deemed necessary by the Secretary.

(d) ADMINISTRATION.—The Under Secretary, in conjunction with the Directors and in consultation with the Board, shall direct and coordinate research, education, and extension programs within the relevant agencies of the Department of Agriculture to focus those programs, and the participants, grantees, and other beneficiaries of those programs, on—

(1) understanding important problem areas and opportunities relating to a program;

(2) discovering and implementing solutions to address those problem areas;

(3) exploring other opportunities provided under the programs; and

(4) national, regional and local priorities.

(e) PROGRAM INTEGRATION AND COORDINATION.—

(1) IN GENERAL.—In accordance with applicable law (including regulations), the Under Secretary, in coordination with the Director of each Program Office and taking into consideration the advice of the Board, shall ensure, to the maximum extent practicable, that the research, education, and extension programs are administered, funded, and carried out—

(A) in an integrated, multidisciplinary, interdisciplinary, interagency, and interinstitutional manner that ensures—

(i) the most efficient collaborative use of resources; and

(ii) the focus of all resources and activities on strategic, priority, problem, opportunity, and solution areas identified by the Under Secretary and the Directors, taking into consideration the advice of the Board; and

(B) among applicable participants, grantees, and beneficiaries, in a coordinated manner that encourages and ensures—

(i) the most efficient collaborative application of resources; and

(ii) the focus of all resources and activities on strategic, priority, problem, opportunity, and solution areas on a local, State, tribal, regional, national, and international basis, as the Under Secretary and each Director, taking into consideration the advice of the Board, determine to be appropriate.

(2) SCOPE.—Each Director, in consultation with the Under Secretary and the Board, shall ensure, through the integration and coordination under paragraph (1), that opportunities are maximized with respect to—

(A) the use of appropriate authorities, agencies, institutions, disciplines, and activities; and

(B) the inclusion of appropriate participants and other beneficiaries in those activities, including intramural, extramural, Government, university, extension, and international, as determined by the Under Secretary.

(f) FUNDING.—The Under Secretary shall fund each Program Office through the appropriations available to the various agencies within the mission area. The aggregate staff for all Program Offices shall not exceed 30 full-time equivalent positions and shall be filled by current full-time equivalent positions.

(g) ORGANIZATION.—The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the National Agricultural Research Program Office in such form as required to ensure that the Directors of the Program Offices are the primary program leaders for the mission areas of the integrated agencies and that administrative duplication does not occur.

(h) PRIORITIZING FEDERAL RESEARCH ACTIVITIES FOR SPECIALTY CROPS.—The Under Secretary, in coordination with the Directors of relevant Program Offices, shall—

(1) coordinate with and assist producers and organizations comprised of program beneficiaries working together to develop and implement applied research and extension related to the United States specialty crop industry;

(2) facilitate in the delivery of information to beneficiaries in a user-friendly form, in addition to a standard research publication, and reward providers for their abilities to deliver information to both the scientific community and the end-user; and

(3) ensure coordination among research initiatives funded and sponsored by the Department of Agriculture.

SEC. 7105. ESTABLISHMENT OF COMPETITIVE GRANT PROGRAMS UNDER THE NATIONAL INSTITUTE FOR FOOD AND AGRICULTURE.

Any office established to administer competitive programs under section 7101(b)(2), including the Agricultural Bioenergy and Biobased Products Research Initiative, the Specialty Crop Research Initiative, and Fresh Cut Produce Safety Grants created by this Act, shall be referred to as the National Institute of Food and Agriculture.

SEC. 7106. MERGING OF IFAFS AND NRI.

(a) AMENDMENT.—Subsection (b) of the Competitive, Special, and Facilities Research Grant

Act (7 U.S.C. 450i(b)) is amended to read as follows:

''(b) COMPETITIVE GRANT PROGRAMS.—

''(1) COMPETITIVE BASIS.—The Secretary of Agriculture is authorized to make competitive grants for the purposes and priorities established under this subsection.

''(2) TERM.—The term of a competitive grant made under this subsection may not exceed 10 years.

''(3) GENERAL ADMINISTRATION.—In making grants under this subsection, the Secretary shall—

''(A) seek and accept proposals for grants;

''(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613);

''(C) award grants on the basis of merit, quality, and relevance to advancing the purposes and priorities established under paragraphs (8) and (12) of this subsection;

''(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(b)); and

''(E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified scientists in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

''(4) ELIGIBLE ENTITIES.—The Secretary may make a grant under this subsection to State agricultural experiment stations, all colleges and universities, university research foundations, other research institutions and organizations, Federal agencies, national laboratories, private organizations or corporations, and individuals, for research to further the programs of the Department of Agriculture.

''(5) ADMINISTRATIVE COSTS.—Not more than 4 percent of funds made available pursuant to this subsection may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

''(6) CONSTRUCTION PROHIBITED.—Funds made available for grants under this subsection shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

''(7) PURPOSES.—The purposes of the programs established under paragraph (8) shall reflect the purposes and additional purposes of agricultural research, extension, and education reflected in sections 1402 and 1403 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 and 3102).

''(8) BASIC AND APPLIED RESEARCH PROGRAMS.—The Secretary shall establish 2 distinct programs of agricultural research, one to fund fundamental, basic research pursuant to paragraph (9) to be known as the National Research Initiative and one to fund applied, integrated research, education, and extension pursuant to paragraph (10) to be known as the Initiative for Future Agricultural and Food Systems.

''(9) NATIONAL RESEARCH INITIATIVE.—

''(A) ALLOCATION.—The allocation of funds to the National Research Initiative shall be as follows:

''(i) Not less than 30 percent shall be available to make grants for research to be conducted by multidisciplinary teams.

''(ii) Not less than 20 percent shall be available to make grants for research to be conducted by persons conducting mission-linked systems research.

''(iii) Not less than 10 percent shall be available to make grants under subparagraphs (D), (F), and (G) of paragraph (13) for research and education strengthening and research opportunity.

''(iv) Not more than 2 percent may be used for equipment grants under paragraph (13)(D).

''(B) MATCHING FUNDS.—Except as provided in this subparagraph, the Secretary may not take the offer or availability of matching funds into consideration in making a grant under this subsection. In the case of grants under paragraph (13)(D), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired. The Secretary may waive all or part of the matching requirement under this subparagraph in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest one-third of such colleges, universities, and research foundations on the basis of Federal research funds received if the equipment to be acquired costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

''(10) INITIATIVE FOR FUTURE AGRICULTURAL AND FOOD SYSTEMS MATCHING FUNDS.—As a condition of making a grant under this paragraph, the Secretary shall require the funding of the grant be matched with equal matching funds from a non-Federal source if the grant is—

''(A) for applied research that is commodity-specific; and

''(B) not of national scope.

''(11) RESEARCH PRIORITIES.—The research priorities for the programs established in paragraph (8) shall be consistent with the priorities in effect for the National Research Initiative (7 U.S.C. 450i(b)) and Initiative for Future Agricultural and Food Systems (7 U.S.C. 7621) on the day before the date of enactment of this subsection. Priorities under the Initiative for Future Agricultural and Food Systems shall include classical plant and animal breeding.

''(12) PROGRAM ADMINISTRATION.—To the greatest extent possible, the Under Secretary, in conjunction with the Directors of the National Agricultural Research Program Offices established in section 7104 of the Farm, Nutrition, and Bioenergy Act of 2007, shall allocate these grants to high priority research taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

''(13) SPECIAL CONSIDERATIONS.—In addition to making research grants under paragraph (9), the Secretary may conduct a program to improve research capabilities in the agricultural, food, and environmental sciences and award the following categories of competitive grants. Grants may be awarded—

''(A) to a single investigator or coinvestigators within the same discipline;

''(B) to teams of researchers from different areas of agricultural research and scientific disciplines;

''(C) to multidisciplinary teams that are proposing research on long-term applied research problems, with technology transfer a major component of all such grant proposals;

''(D) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching; however the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;

''(E) to a single investigator or coinvestigators who are beginning their research careers and do not have an extensive research publication record; however, to be eligible for a grant under this subparagraph, an individual shall be within 5 years of the individual's initial career track position;

''(F) to ensure that the faculty of small and mid-sized institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; and

''(G) to improve research capabilities in States (as defined in the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.)) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels.

''(14) DIVISION OF FUNDS.—Of the funds made available to carry out this subsection, 60 percent shall be used to fund programs under paragraph (9) and 40 percent shall be used to fund programs under paragraph (10).

''(15) TRANSFER OF FUNDS FROM THE INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.—Funds made available pursuant to section 401(b)(3)(D) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 (b)(3)(D)) shall be transferred to the program established under this subsection.

''(16) AUTHORIZATION OF APPROPRIATIONS.—

''(A) There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2008 through 2012.

''(B) Funds made available in each fiscal year shall remain available until expended to pay for obligations incurred in that fiscal year.''.

(b) REPEALS.—The following provisions are hereby repealed:

(1) Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

(2) Subsection (2)(d) of the Competitive, Special, and Facilities Research Grant Act of 1965 (7 U.S.C. 450i(c)).

SEC. 7107. CAPACITY BUILDING GRANTS FOR ASCARR INSTITUTIONS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall make competitive grants to ASCARR Institutions to assist the ASCARR Institutions in maintaining and expanding the capacity of the ASCARR Institutions to conduct education, research, and outreach activities relating to—

(A) agriculture;

(B) renewable resources; and

(C) other similar disciplines.

(2) USE OF FUNDS.—An ASCARR Institution that receives a grant under subsection (a)(1) may use the funds made available through the grant to maintain and expand the capacity of the ASCARR Institution—

(A) to successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest;

(B) to disseminate information relating to priority concerns to—

(i) interested members of the agriculture, renewable resources, and other relevant communities;

(ii) the public; and

(iii) any other interested entity;

(C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and

(D) through—

(i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings);

(ii) the professional growth and development of the faculty of the ASCARR Institution; and

(iii) the development of graduate assistantships.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each fiscal year 2008 through 2012.

SEC. 7108. ESTABLISHMENT OF RESEARCH LABORATORIES FOR ANIMAL DISEASES.

(a) DEFINITIONS.—In this section—

(1) ANIMAL DISEASE.—The term ''animal disease'' has the meaning given the term by the Secretary.

(2) 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.

(3) LIVE VIRUS.—The term ''live virus'' means a live virus of foot-and-mouth disease or a live virus of any other animal disease that is a threat to the health of livestock, as determined by the Secretary.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(5) 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.

(6) UNITED STATES.—The term ''United States'' means all of the States.

(b) ANIMAL DISEASE RESEARCH.—

(1) ESTABLISHMENT OF RESEARCH FACILITIES.—The Secretary is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, for research on animal diseases in the United States.

(2) ACTIVITIES AUTHORIZED WHEN DISEASE THREATENS LIVESTOCK.—To the extent the Secretary determines that an animal disease constitutes a threat to the livestock industry, the Secretary is authorized to conduct research, diagnostics, and other activities related to the animal disease.

(c) RESTRICTIONS REGARDING LIVE VIRUS.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), a person or State or Federal agency may not—

(A) import a live virus into the United States;

(B) transport a live virus within the United States; and

(C) store and maintain a live virus at a research facility.

(2) AUTHORITY OF THE SECRETARY.—The Secretary of Agriculture may—

(A) import a live virus into the United States;

(B) transport a live virus within the United States; and

(C) store and maintain a live virus at a research facility.

(3) PERMITS.—

(A) IN GENERAL.—If the Secretary determines that it is in the public interest to do so, the Secretary may issue a permit to allow a private person or a State or Federal agency to—

(i) import a live virus into the United States;

(ii) transport a live virus within the United States; and

(iii) store and maintain a live virus at a research facility.

(B) PERMIT TERMS.—A permit issued under this paragraph shall be subject to terms and conditions prescribed by the Secretary.

(4) LIMITATION.—Nothing in this section shall apply to the importation, transportation, storage, and maintenance of any live virus governed by regulations promulgated pursuant to section 351A of the Public Health Service Act (42 U.S.C. 262a) or the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401).

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for the control or eradication of animal diseases, there are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 7109. GRAZINGLANDS RESEARCH LABORATORY.

Notwithstanding any other provision of law, without specific authorization by an Act of Congress, the Federal land and facilities at El Reno, Oklahoma, currently administered by the Secretary of Agriculture as the Grazinglands Research Laboratory, shall not at any time, in whole or part, be declared to be excess or surplus Federal property under chapter 5 of subtitle I of title 40, United States Code, or otherwise be conveyed or transferred in whole or in part.

SEC. 7110. RESEARCHER TRAINING.

(a) REQUIREMENT.—The Secretary shall require that persons receiving funds under section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)) to conduct research concerning genetically engineered plants, including seed and other propagative materials, complete a training program approved by the Secretary.

(b) CERTIFICATION OF THIRD-PARTY PROVIDERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a system for approving individuals and entities to provide training under subsection (a), including criteria for the evaluation of trainers or potential trainers.

(c) EXPERTISE.—In establishing criteria for the evaluation of potential trainers, the Secretary shall ensure that individuals and entities with expertise in quality management systems, plant breeding and genetics, and the technical aspects of the Federal regulatory process for agricultural biotechnology, are eligible to become approved trainers under subsection (b).

SEC. 7111. FORT RENO SCIENCE PARK RESEARCH FACILITY.

The Secretary of Agriculture may lease land to the University of Oklahoma at the Grazinglands Research Laboratory at El Reno, Oklahoma, on such terms and conditions as the University and the Secretary may agree in furtherance of cooperative research and existing easement arrangements.

SEC. 7112. ASSESSING THE NUTRITIONAL COMPOSITION OF BEEF PRODUCTS.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall award a grant, contract, or other agreement with an appropriate land-grant university to update the Department of Agriculture's Nutrient Composition Handbook for Beef, also known as Handbook #8–13. The Handbook shall incorporate accurate and current data collected by the university to be used by Federal agencies, private industries, health organizations, and consumers to determine important diet and health-related issues associated with the consumption of beef and beef products.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section to be available until expended .

SEC. 7113. SENSE OF CONGRESS REGARDING FUNDING FOR HUMAN NUTRITION RESEARCH.

It is the sense of the Congress that—

(1) human nutrition research has the potential for improving the health status of the American public through studies that help determine—

(A) the food and beverage intakes of Americans and the nutrient composition of the food supply;

(B) the relationship between diet and obesity, particularly to prevent childhood obesity;

(C) the authoritative, peer-reviewed, science-based evidence that forms the basis for Federal nutrition policy, dietary guidelines and programs; and

(D) the nutrient requirements for individuals at various stages in the lifespan and for vulnerable populations, particularly children and the elderly;

(2) human nutrition research holds the potential for identifying factors in crops and livestock that provide nutrition benefits to humans and add value for producers;

(3) the potential cost savings to Federal health programs, combined with the boost in revenues for farmers who produce nutritionally enhanced foods, justifies an increase in funding to a level sufficient to conduct this essential research; and

(4) the USDA regional human nutritional research centers have unique value in linking producer and consumer interests into investigations of food and human nutrition issues and conducting long-term nutrition studies; and activities at these centers should be preserved and coordinated with other human nutrition research activities.

Subtitle B—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7201. ADVISORY BOARD.

Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by striking ''$350,000'' and inserting ''$500,000''.

SEC. 7202. ADVISORY BOARD TERMINATION.

Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7203. RENEWABLE ENERGY COMMITTEE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1408A the following:

''SEC. 1408B. RENEWABLE ENERGY COMMITTEE.

''(a) INITIAL MEMBERS.—Not later than 90 days after the date of the enactment of this section, the executive committee of the Advisory Board shall establish and appoint the initial members of a permanent renewable energy committee that shall be responsible for studying the scope and effectiveness of research, extension, and economics programs affecting the renewable energy industry.

''(b) NON-ADVISORY BOARD MEMBERS.—Individuals who are not members of the Advisory Board may be appointed as members of the renewable energy committee. Members of the renewable energy committee shall serve at the discretion of the executive committee.

''(c) REPORT BY RENEWABLE ENERGY COMMITTEE.—Not later than 180 days after the establishment of the renewable energy committee, and annually thereafter, the renewable energy committee shall submit to the Advisory Board a report containing the findings of its study under subsection (a). The renewable energy committee shall include in each report its recommendations.

''(d) COORDINATION OF FUNCTIONS.—In carrying out its functions, the Renewable Energy Committee shall coordinate with the Biomass Research and Development Act Committee.

''(e) MATTERS TO BE CONSIDERED IN BUDGET RECOMMENDATION.—In preparing the annual budget recommendations for the Department, the Secretary shall take into consideration those findings and recommendations contained in the most recent report of the renewable energy committee that are adopted by the Advisory Committee.

''(f) REPORT BY THE SECRETARY.—In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31, United States Code, for a fiscal year, the Secretary shall include a report describing how the Secretary addressed each recommendation of the renewable energy committee described in subsection (e) of this section.''.

SEC. 7204. SPECIALTY CROP COMMITTEE REPORT.

Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended by adding at the end the following:

''(4) Analyses of the specialty crop sector, including the impact of changes in domestic and international markets, production and new product technologies, alternative policies and macroeconomic conditions on specialty crop production, use, farm and retail prices, and farm income and financial stability from a national, regional, and farm-level perspective.

''(5) Review of the economic state of the specialty crop industry from a regional perspective.

''(6) Development of data that provides applied information useful to specialty crop growers, their associations, and other interested beneficiaries in evaluating that industry from a regional and national perspective.''.

SEC. 7205. INCLUSION OF UDC IN GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in subsection (b), by inserting ''including the University of the District of Columbia,'' after ''universities,''; and

(2) in subsection (d)(2), by inserting '', including the University of the District of Columbia,'' after ''universities''.

SEC. 7206. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) EDUCATION TEACHING PROGRAMS.—Section 1417(j) of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended—

(1) in the subsection heading, by striking ''SECONDARY EDUCATION AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS'' and inserting ''SECONDARY EDUCATION, 2-YEAR POSTSECONDARY EDUCATION, AND AGRICULTURE IN THE K–12 CLASSROOM''; and

(2) in paragraph (3)—

(A) by striking ''secondary schools, and institutions of higher education that award an associate's degree'' and inserting ''secondary schools, institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations'';

(B) in subparagraph (E), by striking ''and'' at the end;

(C) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(G) to support current agriculture in the classroom programs for grades K–12.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1417(l) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(l)) is amended by striking ''2007'' and inserting ''2012''.

(c) REPORT.—Section 1417 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 is amended by adding at the end the following:

''(m) REPORT.—The Secretary shall submit an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate detailing the distribution of funds used to implement the teaching programs under subsection (j).''.

SEC. 7207. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7208. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in subsection (b), by inserting '', including the Food Agricultural Policy Research Institute and the Agricultural and Food Policy Center'' after ''research institutions and organizations''; and

(2) in subsection (d), by striking ''2007'' and inserting ''2012''.

SEC. 7209. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7210. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7211. NUTRITION EDUCATION PROGRAM.

Section 1425(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7212. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

SEC. 7213. COOPERATION AMONG ELIGIBLE INSTITUTIONS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by adding at the end the following new subsection:

''(g) COOPERATION AMONG ELIGIBLE INSTITUTIONS.—The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings.''.

SEC. 7214. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7215. AUTHORIZATION LEVEL OF EXTENSION AT 1890 LAND-GRANT COLLEGES.

Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking ''15 percent'' and inserting ''20 percent''.

SEC. 7216. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.

Section 1445(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(2)) is amended by striking ''25 percent'' and inserting ''30 percent''.

SEC. 7217. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND GRANT UNIVERSITY.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting after section 1447 the following:

''SEC. 1447A. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND GRANT UNIVERSITY.

''(a) PURPOSE.—It is declared to be the intent of Congress to assist the land grant university in the District of Columbia, as established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act of October 26, 1974 (Public Law 93–471) in efforts acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of carrying out the provisions of this section $750,000 for each of fiscal years 2008 through 2012.''.

SEC. 7218. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7219. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended by striking ''2007'' each place it appears in subsections (a)(1) and (f) and inserting ''2012''.

SEC. 7220. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d(c)) is amended in the first sentence by striking ''for each of fiscal years 2003 through 2007,''.

SEC. 7221. HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7222. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The National Agricultural Research, Extension and Teaching Policy Act of 1977 is amended by inserting after section 1455 the following:

''SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

''(a) DEFINITIONS.—As used in this section:

''(1) ENDOWMENT FUND.—The term 'endowment fund' means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

''(2) HISPANIC-SERVING AGRICULTURAL COLLEGE AND UNIVERSITIES.—The term 'Hispanic-serving agricultural colleges and universities' means a college or university that—

''(A) qualifies as a 'Hispanic-serving institution' as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)); and

''(B) offers associate, bachelor's, or other accredited degree programs in agriculture-related fields.

''(b) ENDOWMENT.—

''(1) IN GENERAL.—In accordance with this subsection, the Secretary of the Treasury shall establish a Hispanic-Serving Agricultural Colleges and Universities Fund. The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

''(2) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary of the Treasury shall deposit in the endowment fund any—

''(A) amounts made available through Acts of appropriations, which shall be the endowment fund corpus; and

''(B) interest earned on the endowment fund corpus.

''(3) INVESTMENTS.—The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

''(4) WITHDRAWALS AND EXPENDITURES.—The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus. On September 30, 2008, and each September 30 thereafter, the Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows:

''(A) 60 percent distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on each institution's Hispanic enrollment count.

''(B) 40 percent distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For fiscal year 2008, and for each fiscal year thereafter, there is authorized to be appropriated to the Department of Agriculture an amount equal to—

''(i) $80,000; multiplied by

''(ii) the number of Hispanic-serving agricultural colleges and universities.

''(B) PAYMENTS.—For fiscal year 2008, and for each fiscal year thereafter, the Secretary of the Treasury shall pay to the treasurer of each Hispanic-Serving agricultural college and university an amount equal to—

''(i) the total amount made available by appropriations pursuant to paragraph (1); divided by

''(ii) the number of Hispanic-serving agricultural colleges and universities.

''(C) USE OF FUNDS.—Amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (commonly known as the Second Morrill Act), and except as otherwise provided in this subsection, the requirements of such Act shall apply to the Hispanic-serving agricultural colleges and universities.

''(D) Amounts appropriated pursuant to this section shall be held and considered to have been granted to Hispanic-serving agricultural colleges and universities to establish an endowment pursuant to subsection (b).

''(c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—

''(1) PURPOSE AND ALLOWABLE USES.—For fiscal year 2008, and for each fiscal year thereafter, the Secretary shall make institutional capacity building grants to assist Hispanic-serving agricultural colleges and universities not including alteration, repair, renovation, or construction of buildings.

''(2) CRITERIA FOR INSTITUTIONAL CAPACITY BUILDING GRANTS.—

''(A) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this subsection on the basis of a competitive application process under which Hispanic-serving agricultural colleges and universities may submit applications to the Secretary in such form and manner as the Secretary may prescribe.

''(B) BROADER PARTICIPATION AND GEOGRAPHIC DIVERSITY.—All Hispanic-serving agricultural colleges and universities shall be eligible to compete for grants under this subsection.

''(C) DEMONSTRATION OF NEED.—The Secretary shall require as part of an application for a grant under this subsection, a demonstration of need based on criteria stated in subsection (b)(5). The Secretary may award a grant under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

''(D) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount specified by the Secretary and based upon assessed institutional needs.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this subsection, such sums as are necessary for fiscal year 2008, and for each fiscal year thereafter.

''(d) COMPETITIVE GRANTS PROGRAM.—The Secretary of Agriculture shall establish a competitive grants program to fund basic and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and for each fiscal year thereafter.''.

(b) FUNDING.—Section 3 of the Act of May 8, 1914, (commonly known as the Smith-Lever Act), is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(4) There are authorized to be appropriated for fiscal year 2008, and for each fiscal year thereafter, such sums as are necessary for the purposes set forth in section 4. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis on a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to the State institutions established in accordance with the provisions of the Act of July 2, 1862 (commonly known as the First Morrill Act) and administered by such institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities in the States of the institutions in accordance with regulations that the Secretary shall adopt.''; and

(2) in subsection (f), by inserting ''or Hispanic-serving agricultural colleges and universities'' after ''Institution''.

SEC. 7223. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) in subparagraph (B), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(C) giving priority to those institutions with existing memorandums of understanding, agreements, or other formal ties to United States institutions, or State or Federal agencies;'';

(2) in paragraph (3), by inserting ''Hispanic-serving agricultural colleges and universities,'' after ''universities,'';

(3) in paragraph (7)(A), by striking ''and land-grant colleges and universities'' and inserting '', land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities'';

(4) in paragraph (9)(A), by striking ''or other colleges and universities'' and inserting '', or other colleges and universities, or Hispanic-serving agricultural colleges and universities''; and

(5) by adding at the end the following:

''(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).''.

SEC. 7224. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7225. LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.

Section 1462(a) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310(a)) is amended by striking ''a competitive'' and inserting ''any''.

SEC. 7226. RESEARCH EQUIPMENT GRANTS.

Section 1462A(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7227. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking ''2007'' each place it appears in subsections (a) and (b) and inserting ''2012''.

SEC. 7228. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7229. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7230. AQUACULTURE RESEARCH FACILITIES.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7231. RANGELAND RESEARCH.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7232. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7233. RESIDENT INSTRUCTION AND DISTANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking ''2007'' and inserting ''2012''.

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363) is amended—

(1) by redesignating subsection (e) as subsection (c); and

(2) in subsection (c) (as so redesignated), by striking ''2007'' and inserting ''2012''.

Subtitle C—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7301. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7302. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking ''1991 through 1997'' and inserting ''2008 through 2012''.

SEC. 7303. PARTNERSHIPS.

Section 1672(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(d)) is amended by striking ''may'' and inserting ''shall''.

SEC. 7304. AFLATOXIN RESEARCH AND EXTENSION.

Section 1672(e)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(e)(3)) is amended by striking ''and controlling aflatoxin in the food and feed chains.'' and inserting ''improving, and eventually commercializing alfatoxin controls in corn and other affected agricultural products and crops.''.

SEC. 7305. HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.

Section 1672(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(e)) is amended by adding the following:

''(46) FARMED AND WILD CERVID DISEASE AND APPLIED GENETICS RESEARCH.—Research grants may be made under this section for the purpose of investigating the major infectious, parasitic and toxic diseases of importance to farmed and wild cervids.

''(47) AIR EMISSIONS FROM LIVESTOCK OPERATIONS.—Research and extension grants may be made under this section for the purpose of conducting field verification tests and developing mitigation options for air emissions from animal feeding operations.

''(48) SWINE GENOME PROJECT.—Research grants may be made under this section to conduct swine genome research and to map the swine genome.

''(49) CATTLE FEVER TICK PROGRAM.—Research and extension grants may be made to study cattle fever ticks to facilitate understanding of the role of wildlife in the persistence and spread of cattle fever ticks; to develop advanced methods for eradication of cattle fever ticks; and to improve management of diseases related to cattle fever ticks that are associated with wildlife, livestock, and human health.

''(50) COLONY COLLAPSE DISORDER PROGRAM.—Research and extension grants may be made to survey and collect data of honey bee colony production and health; research various factors

possibly contributing to or associated with colony collapse disorder; and develop mitigative and preventative measures to improve bee health.

''(51) SYNTHETIC GYPSUM FROM ELECTRIC POWER PLANTS RESEARCH.—Research and extension grants may be made to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

''(52) CRANBERRY RESEARCH PROGRAM.—Research and extension grants may be made to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate farmers about sustainable growth practices.

''(53) SORGHUM RESEARCH INITIATIVE.—Research and extension grants may be made to study the use of sorghum as a bioenergy feedstock, promote diversification in, and the environmental sustainability of sorghum production, and promote water conservation through the use of sorghum.

''(54) BEAN HEALTH RESEARCH PROGRAM.—Research and extension grants may be made to study bean-based solutions to chronic health and nutritional concerns in both developed and developing countries, and to increase bean consumption.''.

SEC. 7306. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7307. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is amended—

(1) by redesignating subsection (g) as subsection (f);

(2) in subsection (d), by inserting ''or address unique regional concerns'' after ''entities'';

(3) in subsection (e)(1)(B), by inserting ''and dairy cattle waste'' after ''swine waste''; and

(4) in subsection (f) (as so redesignated in paragraph (1)), by striking ''2007'' and inserting ''2012''.

SEC. 7308. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7309. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7310. ORGANIC RESEARCH.

(a) IN GENERAL.—The Organic Agriculture Research and Extension Initiative (section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b)) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''and'' after the semicolon;

(B) in paragraph (6), at the end by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(7) examining optimal conservation and environmental outcomes relating to organically produced agricultural products; and

''(8) developing new and improved seed varieties that are particularly suited for organic agriculture.''; and

(2) by adding at the end the following—

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of fiscal years 2009 through 2012.

''(g) ADDITIONAL FUNDING.—In addition to funds made available under subsection (f), of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section a total of $25,000,000 for fiscal years 2008 through 2012.''.

(b) COORDINATION.—In carrying out this section, the Secretary shall ensure that the Director of the applicable Program Office established under section 7104(a) coordinates projects and activities carried out under this section to ensure, to the maximum extent practicable, that duplication of effort is eliminated or minimized.

SEC. 7311. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7312. NEW ERA RURAL TECHNOLOGY PROGRAM.

(a) FUNCTIONS.—

(1) The Secretary shall establish the ''New Era Rural Technology Program'', to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce. This initiative shall support the fields of bioenergy, pulp and paper manufacturing, and for agriculture-based renewable energy resources.

(2) To receive funding under this section an entity—

(A) shall be a rural community college or advanced technological center, in existence on the date of the enactment of this Act, that participates in agricultural or bioenergy research and applied research;

(B) shall have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians as determined by the Secretary of Agriculture; and

(C) shall have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions and relevant non-profit organizations.

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as necessary for each of the fiscal years 2008 through 2012.

(c) COMMUNITY COLLEGES.—In this section, the term ''community college'' means an institution of higher education—

(1) that admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which it awards a bachelor's degree, or an equivalent degree; and

(3) that—

(A) provides an educational program of not less than two years that is acceptable for full credit toward such a degree; or

(B) offers a two-year program in engineering, technology, mathematics, or the physical, chemical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

(d) GRANT PRIORITY.—Preference shall be given to rural community colleges working in partnership to improve information sharing capacity and to maximize the ability to meet the requirements of this section.

Subtitle D—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7401. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622(g)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7402. PRECISION AGRICULTURE.

Section 403(i)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623(i)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7403. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking ''2007'' and inserting ''2012''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7404. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7405. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7406. FUSARIUM GRAMINEARUM GRANTS.

Section 408 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended—

*(1) in the heading for such section, by striking ''**GRANT**'' and inserting ''**GRANTS**''; and*

(2) in subsection (e), by striking ''2007'' and inserting ''2012''.

SEC. 7407. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Section 409(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7408. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630) is amended by striking subsections (b) and (c) and inserting the following:

''(b) FLEXIBILITY.—The Secretary shall provide maximum flexibility in content delivery to each organization receiving funds under this section so as to ensure that the unique goals of each organization, as well as the local community needs are fully met.

''(c) REDISTRIBUTION OF FUNDING WITHIN ORGANIZATIONS AUTHORIZED.—Recipients of funds under this section are authorized to redistribute all or part of the funds received to individual councils or local chapters within such organization without further need of approval from the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 7409. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

Section 411(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7410. AGRICULTURAL BIOENERGY AND BIOBASED PRODUCTS RESEARCH INITIATIVE.

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. 412. AGRICULTURAL BIOENERGY AND BIOBASED PRODUCTS RESEARCH INITIATIVE.

''(a) DEFINITION.—For the purposes of this section, the term 'Initiative' means the agricultural bioenergy and biobased products research initiative established by subsection (b).

''(b) ESTABLISHMENT.—There is established within the Department a bioenergy and biobased products research initiative to enhance the production, sustainability, and conversion of biomass to renewable fuels and related products.

''(c) LABORATORY NETWORK.—

''(1) IN GENERAL.—The Secretary shall carry out the Initiative through a bioenergy and biobased product laboratory network that may consist of—

''(A) Federal agencies;

''(B) national laboratories;

''(C) colleges and universities;

''(D) research institutions and organizations;

''(E) private organizations or corporations;

''(F) State agricultural experiment stations; and

''(G) individuals.

''(2) RESEARCH AND DEVELOPMENT OBJECTIVES.—The laboratory network shall focus on improving biomass production and sustainability, and improving biomass conversion in biorefineries, by—

''(A) leveraging the broad scientific capabilities of the Department in—

''(i) plant genetics and breeding;

''(ii) crop production;

''(iii) soil and water science;

''(iv) use of agricultural waste;

''(v) carbohydrate, lipid, protein, and lignin chemistry and biochemistry;

''(vi) enzyme development;

''(vii) fermentation;

''(viii) microbiology;

''(ix) cellulosic gasification; and

''(x) ethanol by-product utilization.

''(B) supporting bioenergy and biobased product research that will enhance the production, sustainability, and conversion of biomass to renewable fuels and related products; and

''(C) supporting bioenergy and biobased product research, and the dissemination of that research, that will assist in achieving the goals of this section.

''(d) COORDINATION.—In carrying out the Initiative, the Secretary shall ensure that the Director of the applicable Program office established under section 7104(a)(1) shall coordinate projects and activities carried out under the Initiative with projects and activities under the Biomass Research and Development Act of 2000 (7 U.S.C. 8601 et seq) to ensure, to the maximum extent practicable, that—

''(1) duplication of effort is eliminated or minimized; and

''(2) the respective strengths of the Department and the Department of Energy are maximized.

''(e) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—For grants awarded under subsection (e)(2), the Secretary shall—

''(A) seek and accept proposals for grants;

''(B) determine the relevance and merit of proposals through a system of peer review in accordance with (7 U.S.C. 7613); and

''(C) award grants on the basis of merit, quality, and relevance.

''(2) TERM.—A grant under this section shall have a term that does not exceed 5 years.

''(3) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines appropriate.

''(g) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

''(h) FUNDING.—There is authorized to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out this section.''.

SEC. 7411. SPECIALTY CROP RESEARCH INITIATIVE.

(a) IN GENERAL.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.), as amended by section 7410, is further amended by adding at the end the following:

''SEC. 413. SPECIALTY CROP RESEARCH INITIATIVE.

''(a) DEFINITIONS.—In this section:

''(1) INITIATIVE.—The term 'Initiative' means the specialty crop research initiative established by subsection (b).

''(2) SPECIALTY CROP.—The term 'specialty crop' shall have the meaning given that term in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621).

''(b) ESTABLISHMENT.—There is established within the Department a specialty crop research initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

''(1) research in—

''(A) plant breeding, genetics, and genomics to improve crop characteristics, such as—

''(i) product appearance;

''(ii) environmental responses and tolerances;

''(iii) nutrient management;

''(iv) pest and disease management; and

''(v) enhanced phytonutrient content;

''(B) safety;

''(C) quality;

''(D) yield;

''(E) taste; and

''(F) shelf life;

''(2) efforts to identify and address threats from invasive species;

''(3) efforts to improve agricultural production by developing more technologically efficient and effective applications of water, nutrients, and pesticides;

''(4) new innovations and technology, such as enhancing mechanization and reducing reliance on labor; and

''(5) production efficiency, productivity, profitability and marketing.

''(c) ELIGIBLE ENTITIES.—The Secretary may carry out the Initiative through—

''(1) Federal agencies;

''(2) national laboratories;

''(3) colleges and universities;

''(4) research institutions and organizations;

''(5) private organizations or corporations;

''(6) State agricultural experiment stations; and

''(7) individuals.

''(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—For grants awarded under subsection (d) the Secretary shall—

''(A) seek and accept proposals for grants;

''(B) determine the relevance and merit of proposals through a system of peer review in accordance with section 103; and

''(C) award grants on the basis of merit, quality, and relevance.

''(2) TERM.—A grant under this section shall have a term that does not exceed 5 years.

''(3) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines appropriate.

''(f) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

''(g) FUNDING.—There is authorized to be appropriated $100,000,000 for each of fiscal years 2008 through 2012 to carry out this section.

''(h) ADDITIONAL FUNDING.—In addition to funds made available under subsection (g), of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section a total of $215,000,000 for fiscal years 2008 through 2012.''.

(b) COORDINATION.— In carrying out this section, the Secretary shall ensure that the Director of the applicable Program Office established under section 7104(a) coordinates projects and activities carried out under this section to ensure, to the maximum extent practicable, that duplication of effort is eliminated or minimized.

SEC. 7412. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking ''2007'' and inserting ''2012''.

Subtitle E—Other Laws

SEC. 7501. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7502. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

(b) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(c) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

SEC. 7503. AGRICULTURAL EXPERIMENT STATION RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7504. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7505. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT (NATIONAL RESEARCH INITIATIVE).

Section 2 of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) in subsection (b)(10), by striking ''2007'' and inserting ''2012''; and

(2) by striking subsection (g).

SEC. 7506. AGRICULTURAL RISK PROTECTION ACT OF 2000 (CARBON CYCLE RESEARCH).

Section 221(g) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711(g)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7507. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended by striking ''2007'' and inserting ''2012''.

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7508. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 7509. CONSTRUCTION OF A CHINESE GARDEN AT THE NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

''SEC. 197. CONSTRUCTION OF A CHINESE GARDEN AT THE NATIONAL ARBORETUM.

''A Chinese Garden may be constructed at the National Arboretum established under this Act with—

''(1) funds accepted under the provisions of section 195 (20 U.S.C. 195);

''(2) authorities provided to the Secretary of Agriculture under section 196 (20 U.S.C. 196); and

''(3) appropriations provided for this purpose.''.

SEC. 7510. PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

Section 10802(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5921a(b))is amended by striking ''2007'' and inserting ''2012''.

SEC. 7511. FRESH CUT PRODUCE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary may award competitive research and extension grants to eligible entities to enable such entities to design, implement, and evaluate innovative, cost-effective programs to improve and enhance the safety of fresh cut produce.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

(1) be a university, college, or other entity designated by the Secretary; and

(2) have developed partnerships with producers of fresh cut produce.

(c) USE OF FUNDS.—An entity shall use funds received under a grant under this section to—

(1) improve sanitation and food safety practices in the processing of fresh cut produce;

(2) develop improved techniques to monitor and inspect fresh cut produce;

(3) develop efficient, rapid and sensitive methods to detect contaminants in fresh cut produce;

(4) determine the sources of contamination in fresh cut produce;

(5) develop methods to reduce or destroy harmful pathogens before, during, and after processing of fresh cut produce; and

(6) conduct other research as determined appropriate by the Secretary.

(d) MATCHING FUNDS REQUIRED.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

(e) COORDINATION.—In carrying out this section, the Secretary shall ensure that the Director of the applicable Program Office established under section 7104(a) coordinates projects and activities carried out under this section to ensure, to the maximum extent practicable, that duplication of effort is eliminated or minimized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

(g) ADDITIONAL FUNDING.—In addition to funds made available under subsection (f), of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section a total of $25,000,000 for fiscal years 2008 through 2012.

SEC. 7512. UDC/EFNEP ELIGIBILITY.

Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471) is amended—

(1) in subsection (b)(2), by striking '', except'' and all that follows through the period and inserting a period; and

(2) in subsection (c), by striking ''section 3'' each place it appears and inserting ''section 3(c)''.

SEC. 7513. SMITH-LEVER ACT.

Section 3(e)(4) of the Smith-Lever Act (7 U.S.C. 343(e)(4)) is amended—

(1) in the paragraph heading, by inserting ''AND THE DISTRICT OF COLUMBIA'' after ''AREAS'';

(2) in subparagraph (A), by inserting '' and the District of Columbia'' after ''United States'';

(3) in subparagraph (A), by inserting ''and the District of Columbia'' after ''respectively,''; and

(4) in subparagraph (B), by inserting ''or the District of Columbia'' after ''area''.

SEC. 7514. HATCH ACT OF 1987.

Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 351c(d)(4)) is amended—

(1) in the paragraph heading, by inserting ''AND THE DISTRICT OF COLUMBIA'' after ''AREAS'';

(2) in subparagraph (A), by inserting '' and the District of Columbia'' after ''United States'';

(3) in subparagraph (A), by inserting ''and the District of Columbia'' after ''respectively,''; and

(4) in subparagraph (B), by inserting ''or the District of Columbia'' after ''area''.

Subtitle F—Additional Provisions

SEC. 7601. MERIT REVIEW OF EXTENSION AND EDUCATIONAL GRANTS.

Section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613) is amended in subsection (a)(2)(A), by striking ''Cooperative State Research, Education, and Extension Service of the Department'' and inserting ''the National Institute for Food and Agriculture.''.

SEC. 7602. REVIEW OF PLAN OF WORK REQUIREMENTS.

(a) REVIEW.—The Secretary shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements including those under—

(1) section 1444 and 1444(d) and 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d) and 3222(c), respectively);

(2) section 7 of the Hatch Act of 1887 (7 U.S.C. 361g); and

(3) section 4 of the Smith-Lever Act (7 U.S.C. 344).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding the review carried out under subsection (a). The report shall include recommendations—

(1) to reduce the administrative burden and workload upon institutions associated with plan of work compliance while meeting Department reporting needs for inputs, outputs, and outcome indicators;

(2) to streamline the submission and reporting requirements of the plan of work such that it is of practical utility to both the department and the institution; and

(3) for any legislative changes necessary to carry out the plan of work improvements.

(c) CONSULTATION.—In carrying out the review and formulating and compiling the recommendations, the Secretary shall consult with the land grant institutions.

SEC. 7603. MULTISTATE AND INTEGRATION FUNDING.

(a) FUNDS EXPENDED ON INTEGRATION OF RESEARCH AND EXTENSION.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended—

(1) in subsection (i)(2)(B), by striking ''the lesser of'' and inserting ''25 percent''; and

(2) by striking clauses (i) and (ii).

(b) FUNDS EXPENDED ON MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.—Section 3 of the Smith Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (h)(2)(B), by striking ''the lesser of'' and inserting ''25 percent''; and

(2) by striking clauses (i) and (ii).

SEC. 7604. EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM.

(a) FUNDING TO 1862, 1890, AND INSULAR AREA INSTITUTIONS.—Section 1425(c)(2)(B) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(2)(B)) is amended—

(1) in the prefatory material, by striking ''among the States'';

(2) by striking clause (i) and inserting the following:

''(i) $100,000 shall be distributed to each of the land grant colleges and universities;'';

(3) by redesignating clause (ii) as clause (iii);

(4) by inserting after clause (i) the following:

''(ii) subject to subsection (d), of the remainder, 10 percent in fiscal year 2008, 11 percent in fiscal year 2009, 12 percent in fiscal year 2010, 13 percent in fiscal year 2011, 14 percent in fiscal year 2012, and 15 percent in fiscal year 2013 and each fiscal year thereafter, shall be allocated to each 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998) in an amount that bears the same ratio to the total amount to be allocated under this clause as the population of the State living at or below 125 percent of the income poverty guidelines prescribed by the Office of Management and Budget (adjusted pursuant to section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)), bears to the total population of all the States that have 1890 Institutions living at or below 125 percent of the income poverty guidelines, as determined by the last preceding decennial census at the time each such additional amount is first appropriated: Provided, That the total allocated under this clause shall not exceed (I) the amount of the funds appropriated for the conduct of the expanded food and nutrition education program for the fiscal year that are in excess of the amount appropriated for the conduct of the program for the fiscal year ending September 30, 2007, reduced by (II) any amounts expended pursuant to any adjustment under subsection (d); and''; and

(5) by amending clause (iii), as redesignated—

(A) by striking ''allocated to each State'' and inserting ''allocated to the institution eligible to receive funds under the Act of July 2, 1862 (and including the appropriate insular area institution) in each State (and the University of the District of Columbia, notwithstanding section 208(c) of Public Law 93–471)''; and

(B) by striking ''subparagraph.'' and inserting ''subparagraph: Provided, That the total allocated under this clause to the University of the District of Columbia shall not exceed (I) the amount described in the proviso to clause (ii), reduced further by (II) the amount allocated under clause (ii).''.

(b) AUTHORIZATION.—Section 1425(c)(3) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking ''$83,000,000 for each of fiscal years 1996 though 2007'' and inserting ''$90,000,000 for each of fiscal years 2008 through 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 7605. GRANTS TO 1890 SCHOOLS TO EXPAND EXTENSION CAPACITY.

Section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)) is amended by striking ''teaching and research'' and inserting ''teaching, research, and extension''.

SEC. 7606. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Agriculture shall establish a fellowship program to be known as the ''Borlaug International Agricultural Science and Technology Fellowship Program,'' to provide fellowships for scientific training to individuals from eligible countries (as described under subsection (b)) who specialize in agricultural education, research, and extension for study in the United States.

(2) PROGRAMS.—The Secretary shall carry out the program established under paragraph (1) through 3 programs designed to assist individual fellowship recipients as follows:

(A) A Graduate Studies Program in Agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution.

(B) An Individual Career Improvement Program to assist agricultural scientists from developing countries to upgrade skills and understanding in agricultural science and technology.

(C) The Borlaug Agricultural Policy Executive Leadership Course to assist senior agricultural policy makers from eligible countries with an initial focus on sub-Saharan Africa and from the newly independent states of the former Soviet Union.

(b) ELIGIBLE COUNTRIES.—Developing countries, as determined by the Secretary using a gross national income per capita test, shall be eligible to participate in the program established under this section.

(c) PURPOSE OF FELLOWSHIPS.—Fellowships under this section shall promote food security and economic growth in eligible countries by educating a new generation of agricultural scientists, increasing scientific knowledge and collaborative research to improve agricultural productivity, and extending this knowledge to users and their intermediaries in the market place. Fellowships shall support—

(1) training and collaborative research opportunities through exchanges for entry-level international agricultural research scientists, faculty, and policymakers from eligible countries;

(2) collaborative research to improve agricultural productivity;

(3) the transfer of new science and agricultural technologies to strengthen agricultural practice; and

(4) the reduction of barriers to technology adoption.

(d) FELLOWSHIP RECIPIENTS.—

(1) ELIGIBLE CANDIDATES.—The Secretary may provide fellowships under the program authorized by this section to individuals from eligible countries who specialize in or have experience in agricultural education, research, extension, or related fields, including individuals from the public and private sectors, and private agricultural producers.

(2) CANDIDATE IDENTIFICATION.—The Secretary shall utilize the expertise of United States land-grant and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from both the public and private sectors of eligible countries.

(e) USE OF FELLOWSHIPS.—Fellowships shall promote collaborative programs between agricultural professionals of eligible countries with those of the United States and the international agricultural research system and, as appropriate, with United States entities conducting research. They will be used to support fellowship recipients through the Graduate Studies Program in Agriculture established under subsection (a)(2)(A).

(f) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation and monitoring of the overall Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to one or more collaborating universities the management of one or more of the fellowship programs.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the program established under this section.

SEC. 7607. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7608. COST RECOVERY.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended by striking ''not exceeding 10 percent of the direct cost'' and inserting ''not exceeding 19 percent of the direct cost''.

SEC. 7609. ORGANIC FOOD AND AGRICULTURAL SYSTEMS FUNDING.

It is the sense of Congress that the Secretary of Agriculture should use a share of Agricultural Research Service's total annual funding for research specific to organic food and agricultural systems that is at least commensurate with the organic sector's market, in order to facilitate the development of this growing sector. A portion of these funds should be used to disseminate research results through the National Agriculture Library's Alternative Farming Systems Information Center.

TITLE VIII—FORESTRY

Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 8001. National priorities for private forest conservation.
Sec. 8002. Long-term, State-wide assessments and strategies for forest resources.
Sec. 8003. Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
Sec. 8004. Changes to Forest Resource Coordinating Committee.
Sec. 8005. Changes to State Forest Stewardship Coordinating Committees.
Sec. 8006. Competition in programs under Cooperative Forestry Assistance Act of 1978.
Sec. 8007. Cooperative forest innovation partnership projects.

Subtitle B—Amendments to Other Laws

Sec. 8101. Healthy forest reserve program.
Sec. 8102. Emergency forest restoration program.
Sec. 8103. Office of International Forestry.
Sec. 8104. Rural revitalization technologies.

Subtitle C—Miscellaneous Provisions

Sec. 8201. Hispanic-serving institution agricultural land national resources leadership program.

Subtitle A—Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections:

''(c) PRIORITIES.—In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities, notwithstanding other priorities specified elsewhere in this Act:

''(1) Conserving and managing working forest landscapes for multiple values and uses.

''(2) Protecting forests from threats, including wildfire, hurricane, tornado, windstorm, snow or ice storm, flooding, drought, invasive species, or insect or disease outbreak, and restoring appropriate forest types in response to such threats.

''(3) Enhancing public benefits from private forests, including air and water quality, soil conservation, biological diversity, carbon storage, forest products, forestry-related jobs, production of renewable energy, wildlife and wildlife habitat, and recreation.

''(d) REPORTING REQUIREMENT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funding was used under this Act and through other programs administered by the Secretary to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.''.

SEC. 8002. LONG-TERM, STATE-WIDE ASSESSMENTS AND STRATEGIES FOR FOREST RESOURCES.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 2 (16 U.S.C. 2101) the following new section:

''SEC. 2A. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

''(a) ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.—For a State to be eligible to receive funds under the authorities of this Act, the State forester of the State or equivalent State official shall develop and submit to the Secretary, not later than two years after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the following:

''(1) A State-wide assessment of forest resource conditions, including—

''(A) the conditions and trends of forest resources in that State;

''(B) the threats to forest lands and resources in that State consistent with the national priorities specified in section 2(c);

''(C) any areas or regions of that State that are of priority; and

''(D) any areas, known as multi-State areas, that are of priority to more than just that State.

''(2) A State-wide forest resource strategy, including—

''(A) strategies for addressing threats to forest resources in the State outlined in the assessment required by paragraph (1); and

''(B) a description of the resources available to the State forester or equivalent State official from all sources to address the State-wide strategy required by subparagraph (A).

''(b) UPDATING.—The State forester or equivalent State official shall submit the State-wide strategy required by subsection (a)(2) on an annual basis. The State-wide assessment of forest resource conditions required by subsection (a)(1) shall be updated as the Secretary or State Forester or equivalent State official determines to be necessary.

''(c) COORDINATION.—In developing the State-wide assessment and annual strategy under subsection (a), the State forester or equivalent State official shall coordinate with—

''(1) the State Forest Stewardship Coordinating Committee established for the State under section 19(b);

''(2) the State wildlife agency to incorporate any overlapping priorities included in State wildlife action plans; and

''(3) the State Technical Committee.

''(d) FUNDING.—Of the funds available under this Act for a fiscal year, the Secretary may not use more than $10,000,000 to implement this section for that fiscal year. Use of funds for implementing this section shall be consistent with the original authorities for such funds.''.

SEC. 8003. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.

Section 13(d)(1) of the Cooperative Forestry Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking ''the Trust Territory of the Pacific Islands,'' and inserting ''the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,''.

SEC. 8004. CHANGES TO FOREST RESOURCE COORDINATING COMMITTEE.

Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended by striking subsection (a) and inserting the following new subsection:

''(a) FOREST RESOURCE COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Forest Resource Coordinating Committee' (in this section referred to as the 'Coordinating Committee'), to coordinate private non-industrial forestry activities within the Department of Agriculture and with the private sector.

''(2) COMPOSITION.—The Coordinating Committee shall be composed of the following:

''(A) The Chief of the Forest Service.

''(B) The Chief of the Natural Resources Conservation Service.

''(C) The Director of the Farm Service Agency.

''(D) The Administrator of the Cooperative State Research, Education, and Extension Service.

''(E) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

''(F) Non-Federal representatives appointed by the Secretary to 3 year terms, although initial appointees shall have staggered terms, including the following persons:

''(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

''(ii) A representative of a State fish and wildlife agency.

''(iii) A private non-industrial forest landowner.

''(iv) A forest industry representative.

''(v) A conservation organization representative.

''(vi) A land-grant university or college representative.

''(vii) A private forestry consultant.

''(viii) A representative of a State fish and wildlife agency.

''(ix) Such other persons as determined by the Secretary to be appropriate.

''(3) CHAIRPERSON.—The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.

''(4) DUTIES.—The Coordinating Committee shall—

''(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2(c), with specific focus on private non-industrial forest landowners;

''(B) clarify individual agency responsibilities of each agency represented on the Coordinating Committee concerning the national priorities specified in section 2(c), with specific focus on private non-industrial forested land;

''(C) provide advice on the allocation of funds, including the competitive funds set-aside by sections 8005 and 8006 of the Farm, Nutrition, and Bioenergy Act of 2007; and

''(D) assist the Secretary in developing and reviewing the report required by section 2(d).

''(5) MEETING.—The Coordinating Committee shall meet biannually to discuss progress in addressing the national priorities specified in section 2(c) and issues regarding non-industrial private forest land.

''(6) COMPENSATION.—

''(A) FEDERAL MEMBERS.—Members of the Coordinating Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.

''(B) NON-FEDERAL MEMBERS.—Non-federal members of the Coordinating Committee shall serve without pay, but may be reimbursed for reasonable costs incurred while performing their duties on behalf of the Committee.''.

SEC. 8005. CHANGES TO STATE FOREST STEWARDSHIP COORDINATING COMMITTEES.

Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(1) in paragraph (1)(B)(ii)—

(A) by striking ''and'' at the end of subclause (VII); and

(B) by adding at the end the following new subclause:

''(IX) the State Technical Committee.''.

(2) in paragraph (2)(C), by striking ''a Forest Stewardship Plan under paragraph (3)'' and inserting ''the State-wide assessment and strategy regarding forest resource conditions under section 2A'';

(3) by striking paragraphs (3) and (4); and

(4) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SEC. 8006. COMPETITION IN PROGRAMS UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.

(a) COMPETITION.—Beginning not later than three years after the date of the enactment of this Act, the Secretary of Agriculture shall competitively allocate a portion, to be determined by the Secretary, of the funds available under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) to State foresters or equivalent State officials.

(b) DETERMINATION.—In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 19(a) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(a)).

(c) PRIORITY.—The Secretary shall give priority for funding to States for which the strategies submitted under section 2A(a)(2) of the Cooperative Forestry Assistance Act of 1978 will best promote the national priorities specified in section 2(c) of such Act.

SEC. 8007. COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

(a) COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.—The Secretary of Agriculture may competitively allocate not more than 5 percent of funding available under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c) of such Act.

(b) ELIGIBILITY.—Notwithstanding the eligibility limitations contained within the Cooperative Forestry Assistance Act of 1978, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible for funds under subsection (a).

(c) COST-SHARE REQUIREMENT.—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.

Subtitle B—Amendments to Other Laws

SEC. 8101. HEALTHY FOREST RESERVE PROGRAM.

Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended to read as follows:

''SEC. 508. FUNDING.

''Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this title $17,000,000 for each of fiscal years 2008 through 2012. Such funds shall remain available until expended.''.

SEC. 8102. EMERGENCY FOREST RESTORATION PROGRAM.

(a) ESTABLISHMENT.—Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) is amended—

(1) by redesignating sections 404, 405, and 406 as sections 405, 406, and 407, respectively; and

(2) by inserting after section 403 the following new section:

''SEC. 404. EMERGENCY FOREST RESTORATION PROGRAM.

''(a) AVAILABILITY OF ASSISTANCE.—The Secretary of Agriculture is authorized to provide financial and technical assistance to an owner of non-industrial private forest lands to assist with developing and implementing an approved plan in accordance with subsection (c)(2).

''(b) AMOUNT OF ASSISTANCE.—

''(1) COST SHARE.—Payments under subsection (a) may not cover more than 75 percent of the total cost of measures implemented pursuant to an approved plan in accordance with subsection (c)(2).

''(2) ANNUAL LIMIT.—An owner of non-industrial private forest lands may not receive more than $50,000 per year under this section.

''(c) ELIGIBILITY.—To be eligible for assistance under this section, a landowner must—

''(1) have suffered a loss of, or damage to, non-industrial private forest land due to events, including wildfires, hurricanes, drought, windstorms, insect and disease, ice storms, or invasive species, as determined by the Secretary; and

''(2) develop a plan, in cooperation with the Secretary, and agree to implement the plan during the 10-year period beginning on the date of the loss, that—

''(A) provides for reforestation, rehabilitation, and related measures for the non-industrial private forest land;

''(B) restores the land and related natural resources;

''(C) uses best management practices on the forest land, in accordance with the best management practices as determined by the Secretary; and

''(D) incorporates good stewardship and conservation practices on the land, while maintaining the land in a forested state.

''(d) NON-INDUSTRIAL PRIVATE FOREST LAND DEFINED.—In this section, the term 'non-industrial private forest land' means rural lands, as determined by the Secretary, that—

''(1) have existing tree cover or had tree cover within the preceding 10 years; and

''(2) are owned by any non-industrial private individual, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, group, association, corporation, tribe, or entity has definitive decision-making authority over the lands.''.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out section 404 of the Agricultural Credit Act of 1978, as added by subsection (a).

SEC. 8103. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 8104. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking ''2004 through 2008'' and inserting ''2008 through 2012''.

Subtitle C—Miscellaneous Provisions

SEC. 8201. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competitive basis, to Hispanic-serving institutions for the purpose of establishing an undergraduate scholarship program to assist in the recruitment, retention, and training of Hispanics and other under-represented groups in forestry and related fields.

(b) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Federal agencies, such as the Forest Service, State agencies, and private-sector entities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

TITLE IX—ENERGY

Sec. 9001. Table of contents.
Sec. 9002. Federal procurement of biobased products.
Sec. 9003. Loan guarantees for biorefineries and biofuel production plants.

Sec. 9004. Energy audit and renewable energy development program.
Sec. 9005. Renewable energy systems and energy efficiency improvements.
Sec. 9006. Biomass Research and Development Act of 2000.
Sec. 9007. Adjustments to the bioenergy program.
Sec. 9008. Research, extension, and educational programs on biobased energy technologies and products.
Sec. 9009. Energy Council of the Department of Agriculture.
Sec. 9010. Farm energy production pilot program.
Sec. 9011. Rural energy self-sufficiency initiative.
Sec. 9012. Agricultural biofuels from biomass internship pilot program.
Sec. 9013. Feedstock flexibility program for bioenergy producers.
Sec. 9014. Dedicated ethanol pipeline feasibility studies.
Sec. 9015. Biomass inventory report.
Sec. 9016. Future farmsteads program.
Sec. 9017. Sense of Congress on renewable energy.

SEC. 9001. TABLE OF CONTENTS.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by inserting before section 9001 the following new section:

"SEC. 9000. TABLE OF CONTENTS.

''The table of contents of this title is as follows:

''TITLE IX - ENERGY

''Sec. 9000. Short title; table of contents.
''Sec. 9001. Definitions.
''Sec. 9002. Federal procurement of biobased products.
''Sec. 9003. Biorefinery development grants.
''Sec. 9004. Biodiesel fuel education program.
''Sec. 9005. Energy audit and renewable energy development program.
''Sec. 9006. Rural energy for America program.
''Sec. 9007. Hydrogen and fuel cell technologies.
''Sec. 9008. Biomass Research and Development Act of 2000.
''Sec. 9009. Cooperative research and extension projects.
''Sec. 9010. Continuation of bioenergy program.
''Sec. 9011. Research, extension, and educational programs on biobased energy technologies and products.
''Sec. 9012. Energy Council of the Department of Agriculture.
''Sec. 9013. Farm energy production pilot program.
''Sec. 9014. Rural energy self-sufficiency initiative.
''Sec. 9015. Agricultural Biofuels from Biomass Internship Pilot Program.
''Sec. 9016. Feedstock flexibility program for bioenergy producers.''.

SEC. 9002. FEDERAL PROCUREMENT OF BIOBASED PRODUCTS.

(a) COMPOSITION OF BIOBASED PRODUCTS.—Section 9002(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(c)(1)) is amended by inserting '', composed of at least five percent of intermediate ingredients and feedstocks (such as biopolymers, methyl soyate, and soy polyols) as designated by the Secretary,'' after ''highest percentage of biobased products practicable''.

(b) PROCUREMENT GUIDELINE CONSIDERATIONS.—Section 9002(e)(2)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(e)(2)(B)) is amended by striking ''life cycle costs'' and inserting ''information on life cycle costs if such information is appropriate and available''.

(c) LABELING REQUIREMENTS AND REVISED DEADLINE.—Section 9002(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(h)) is amended—

(1) in paragraph (2)—

(A) by striking ''Within one year after the date of enactment of this Act'' and inserting ''Not later than 90 days after the date of enactment of the [Farm, Nutrition, and Bioenergy Act of 2007],''; and

(B) by adding at the end the following: ''Criteria shall be issued for finished products and intermediate ingredients and feedstocks.'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

''(3) CONSULTATION.—In developing the eligibility criteria for the labeling program under this section, the Secretary shall consult with other Federal agencies and with non-governmental groups with an interest in biobased products including small and large producers of biobased materials and products, industry, trade organizations, academia, consumer organizations, and environmental organizations.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 9002(k) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(k)) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) FEDERAL PROCUREMENT.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 through 2013 to implement the provisions of this section other than subsection (h).

''(B) LABELING.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 through 2013 to implement subsection (h) of this section.''.

(2) FUNDING FOR TESTING OF BIOBASED PRODUCTS.—Paragraph (2)(A) of such section is amended by striking ''$1,000,000 for each of fiscal years 2002 through 2007'' and inserting ''$2,000,000 for each of fiscal years 2008 through 2013''.

(e) REPORT REQUIREMENTS.—

(1) REPORT BY AGENCIES TO ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—Subsection (f) of section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(A) by striking ''The Office of'' and inserting ''(1) The Administrator for''; and

(B) by adding at the end the following new paragraph:

''(2) To assist the Administrator for Federal Procurement Policy in preparing the report to Congress required under paragraph (1), each procuring agency each year shall submit to the Administrator a report covering the following:

''(A) Actions taken to implement subsections (c), (d), and (g) of this section.

''(B) The results of the annual review and monitoring program established under subsection (g)(2)(C).

''(C) The number of contracts entered into by the agency during the year covered by the report that include the procurement of biobased products.

''(D) A list of the biobased products procured by the agency during the year covered by the report.''.

(2) REPORT BY SECRETARY TO CONGRESS ON IMPLEMENTATION OF SECTION.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended by adding at the end the following new subsection:

''(l) REPORT BY SECRETARY TO CONGRESS ON IMPLEMENTATION OF SECTION.—Not later than six months after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, and each year thereafter, the Secretary shall submit to Congress a report on the implementation of this section. The report shall include the following:

''(1) A comprehensive management plan defining tasks, milestones, and funding allocations for fully implementing this section.

''(2) A list of items designated under subsection (e)(1)(A) whose procurement will carry out the objectives of this section, with associated cost and performance data.

''(3) Information on the current status of implementation of the procurement preference under this section, including the procurement program of each Federal agency under subsection (g), and the voluntary labeling program under subsection (h).''.

(f) REPEAL OF SUBSECTION.—Subsection (b) of section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(b)) is hereby repealed.

SEC. 9003. LOAN GUARANTEES FOR BIOREFINERIES AND BIOFUEL PRODUCTION PLANTS.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended—

(1) in the section heading, by inserting ''**; loan guarantees for biorefineries and biofuel production plants**'' after ''**grants**'';

(2) in subsection (b)(2)(A), by striking ''and'' the 1st place it appears and inserting ''or'';

(3) in subsection (c), by redesignating subsections (d) through (h) as subsections (e) through (i), respectively, and inserting after subsection (c) the following:

''(d) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall make loan guarantees to eligible entities to assist in paying the cost of development and construction of biorefineries and biofuel production plants (including retrofitting) to carry out projects to demonstrate the commercial viability of 1 or more processes for converting biomass to fuels or chemicals.

''(2) LIMITATIONS.—

''(A) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—A loan guarantee under paragraph (1) shall be for not more than 90 percent of the principal and interest due on the loan.

''(B) TOTAL AMOUNTS GUARANTEED.—The total amount of principal and interest guaranteed under paragraph (1) shall not exceed—

''(i) $1,000,000,000, in the case of loans valued at not more than $100,000,000; or

''(ii) $1,000,000,000, in the case of loans valued at more than $100,000,000 but not more than $250,000,000.

''(C) MAXIMUM TERM OF LOAN GUARANTEED.—The Secretary shall determine the maximum term of a loan guarantee provided under paragraph (1).'';

(4) in subsection (f) (as so redesignated)—

(A) in paragraph (2)(B)—

(i) by striking ''and'' at the end of clause (viii);

(ii) by striking the period at the end of clause (ix) and inserting ''; and''; and

(iii) by adding at the end the following:

''(x) The level of local ownership.''; and

(B) by adding at the end the following:

''(3) PRIORITY IN AWARDING LOAN GUARANTEES.—In selecting projects to receive loan guarantees under subsection (d), the Secretary shall give priority to projects based on the criteria set forth in paragraph (2)(B) of this subsection.''; and

(5) in subsection (i) (as so redesignated), by striking ''2007'' and inserting ''2012''.

SEC. 9004. ENERGY AUDIT AND RENEWABLE ENERGY DEVELOPMENT PROGRAM.

Section 9005(i) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) is amended by striking ''2007'' and inserting ''2012''.

SEC. 9005. RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS.

Section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 9006. RURAL ENERGY FOR AMERICA PROGRAM.";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', other agricultural producer'' after ''rancher'';

(B) in paragraph (1), by striking ''and'' at the end;

(C) in paragraph (2), by striking the period and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(3) produce and sell electricity generated by new renewable energy systems.'';

(3) in subsection (b), by inserting '', other agricultural producer'' after ''rancher'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''50 percent'' and inserting ''75 percent''; and

(ii) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

''(B) LOAN GUARANTEES.—

''(i) MAXIMUM AMOUNT.—The amount of a loan guaranteed under this section shall not exceed $25,000,000.

''(ii) MAXIMUM PERCENTAGE.—A loan guaranteed under this section shall not exceed 75 percent of the cost of the activity funded under subsection (a).''; and

(B) by adding at the end the following new paragraph:

''(3) PRIORITIZATION.—The Secretary shall give the greatest priority for grants under subsection (a) to activities for which the least percentage of the total cost of such activities is requested by the farmer, rancher, other agricultural producer, or rural small business.''.

(5) by redesignating subsections (e) and (f) as subsection (g) and (h), respectively; and

(6) by inserting after subsection (d) the following new subsections:

''(e) FEASIBILITY STUDIES.—

''(1) IN GENERAL.—The Secretary may provide assistance to a farmer, rancher, other agricultural producer, or rural small business to conduct a feasibility study of a project for which assistance may be provided under this section.

''(2) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this section to provide assistance described in paragraph (1).

''(3) CRITERIA.—The Secretary shall issue regulations establishing criteria for the receipt of assistance under this subsection.

''(4) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An farmer, rancher, other agricultural producer, or rural small business that receives assistance to carry out a feasibility study for a project under this subsection shall not be eligible for assistance to carry out a feasibility study for the project under any other provision of law.

''(f) SMALL ACTIVITIES.—

''(1) LIMITATION ON USE OF FUNDS.—The Secretary shall use not less than 15 percent of the funds made available under subsection (h) to provide grants for activities that have a cost of $50,000 or less.

''(2) EXCEPTION.—Beginning on the first day of the third quarter of a fiscal year, the limitation on the use of funds under paragraph (1) shall not apply to funds made available under subsection (h) for such fiscal year.''.

SEC. 9006. BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

(a) RESTATEMENT OF ACT.—Section 9008 of the Farm Security and Rural Investment Act of 2002 (116 Stat. 486) is amended to read as follows:

''SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

''(a) SHORT TITLE.—This section may be cited as the 'Biomass Research and Development Act of 2000'.

''(b) FINDINGS.—Congress finds that—

''(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through—

''(A) improved strategic security and balance of payments;

''(B) healthier rural economies;

''(C) improved environmental quality;

''(D) near-zero net greenhouse gas emissions;

''(E) technology export; and

''(F) sustainable resource supply;

''(2) the key technical challenges to be overcome in order for biobased industrial products to be cost-competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

''(3) biobased fuels have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near-zero net greenhouse gas emissions;

''(4) biobased chemicals have the clear potential for environmentally benign product life cycles;

''(5) biobased power can—

''(A) provide environmental benefits;

''(B) promote rural economic development; and

''(C) diversify energy resource options;

''(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

''(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

''(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

''(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

''(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

''(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

''(A) increasing the confidence and speed with which new technologies can be scaled up; and

''(B) giving rise to processing innovations based on new knowledge;

''(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

''(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

''(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

''(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

''(13) several prominent studies, including studies by the President's Committee of Advisors on Science and Technology and the National Research Council—

''(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

''(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

''(c) DEFINITIONS.—In this section:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by this section.

''(2) BIOBASED FUEL.—The term 'biobased fuel' means any transportation fuel produced from biomass.

''(3) BIOBASED PRODUCT.—The term 'biobased product' means an industrial product (including chemicals, materials, and polymers) produced from biomass, or a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

''(4) BIOMASS.—The term 'biomass' means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

''(5) BOARD.—The term 'Board' means the Biomass Research and Development Board established by this section.

''(6) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility.

''(7) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Initiative established under this section.

''(8) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

''(9) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given that term in section 2 of the Energy Policy Act of 2005.

''(10) POINT OF CONTACT.—The term 'point of contact' means a point of contact designated under this section.

''(d) COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased fuels and biobased products.

''(2) POINTS OF CONTACT.—

''(A) IN GENERAL.—To coordinate research and development programs and activities relating to biobased fuels and biobased products that are carried out by their respective Departments—

''(i) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

''(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

''(B) DUTIES.—The points of contact shall jointly—

''(i) assist in arranging interlaboratory and site-specific supplemental agreements for research and development projects relating to biobased fuels and biobased products;

''(ii) serve as cochairpersons of the Board;

''(iii) administer the Initiative; and

''(iv) respond in writing to each recommendation of the Advisory Committee made under subsection (f).

''(e) BIOMASS RESEARCH AND DEVELOPMENT BOARD.—

''(1) ESTABLISHMENT.—There is established the Biomass Research and Development Board, which shall supersede the Interagency Council on Biobased Products and Bioenergy established by Executive Order No. 13134, to coordinate programs within and among departments and agencies of the Federal Government for the purpose

of promoting the use of biobased fuels and biobased products by—

''(A) maximizing the benefits deriving from Federal grants and assistance; and

''(B) bringing coherence to Federal strategic planning.

''(2) MEMBERSHIP.—The Board shall consist of—

''(A) the point of contact of the Department of Energy designated under subsection (d), who shall serve as cochairperson of the Board;

''(B) the point of contact of the Department of Agriculture designated under subsection (d), who shall serve as cochairperson of the Board;

''(C) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall—

''(i) be appointed by the head of the respective agency; and

''(ii) have a rank that is equivalent to the rank of the points of contact; and

''(D) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the members described in subparagraphs (A) through (C)).

''(3) DUTIES.—The Board shall—

''(A) coordinate research and development activities relating to biobased fuels and biobased products—

''(i) between the Department of Agriculture and the Department of Energy; and

''(ii) with other departments and agencies of the Federal Government;

''(B) provide recommendations to the points of contact concerning administration of this title;

''(C) ensure that—

''(i) solicitations are open and competitive with awards made annually; and

''(ii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

''(D) ensure that the panel of scientific and technical peers assembled under subsection (g) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.

''(4) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this section.

''(5) MEETINGS.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under paragraph (3).

''(f) BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee, which shall supersede the Advisory Committee on Biobased Products and Bioenergy established by Executive Order No. 13134—

''(A) to advise the Secretary of Energy, the Secretary of Agriculture, and the points of contact concerning—

''(i) the technical focus and direction of requests for proposals issued under the Initiative; and

''(ii) procedures for reviewing and evaluating the proposals;

''(B) to facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

''(C) to evaluate and perform strategic planning on program activities relating to the Initiative.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Advisory Committee shall consist of—

''(i) an individual affiliated with the biofuels industry;

''(ii) an individual affiliated with the biobased industrial and commercial products industry;

''(iii) an individual affiliated with an institution of higher education who has expertise in biobased fuels and biobased products;

''(iv) two prominent engineers or scientists from government or academia who have expertise in biobased fuels and biobased products;

''(v) an individual affiliated with a commodity trade association;

''(vi) 2 individuals affiliated with an environmental or conservation organization;

''(vii) an individual associated with State government who has expertise in biobased fuels and biobased products;

''(viii) an individual with expertise in energy and environmental analysis;

''(ix) an individual with expertise in the economics of biobased fuels and biobased products;

''(x) an individual with expertise in agricultural economics;

''(xi) an individual with expertise in agronomy, crop science, or soil science; and

''(xii) at the option of the points of contact, other members.

''(B) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

''(3) DUTIES.—The Advisory Committee shall—

''(A) advise the points of contact with respect to the Initiative; and

''(B) evaluate whether, and make recommendations in writing to the Board to ensure that—

''(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

''(ii) solicitations are open and competitive with awards made annually and that objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

''(iii) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Departments of Agriculture and Energy; and

''(iv) activities under this section are carried out in accordance with this section.

''(4) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

''(5) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee.

''(6) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years, except that—

''(A) one-third of the members initially appointed shall be appointed for a term of 1 year; and

''(B) one-third of the members initially appointed shall be appointed for a term of 2 years.

''(g) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—

''(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on, and development and demonstration of, biobased fuels and biobased products, and the methods, practices and technologies, for their production.

''(2) OBJECTIVES.—The objectives of the Initiative are to develop—

''(A) technologies and processes necessary for abundant commercial production of biobased fuels at prices competitive with fossil fuels;

''(B) high-value biobased products—

''(i) to enhance the economic viability of biobased fuels and power;

''(ii) as substitutes for petroleum-based feedstocks and products; and

''(iii) to enhance the value of coproducts arise from such technologies and processes; and

''(C) a diversity of sustainable domestic sources of biomass for conversion to biobased fuels and biobased products.

''(3) PURPOSES.—The purposes of the Initiative are—

''(A) to increase the energy security of the United States;

''(B) to create jobs and enhance the economic development of the rural economy;

''(C) to enhance the environment and public health; and

''(D) to diversify markets for raw agricultural and forestry products.

''(4) TECHNICAL AREAS.—To advance the objectives and purposes of the Initiative, the Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this subsection as the 'Secretaries'), shall direct research, development, and commercial applications toward—

''(A) feedstocks and feedstock systems relevant to production of raw materials for conversion to biobased fuels and biobased products, including—

''(i) development of advanced and dedicated crops and other biomass sources with desired features, including enhanced productivity, broader site range, low requirements for chemical inputs, and enhanced processing;

''(ii) advanced crop production methods to achieve the features described in clause (i);

''(iii) feedstock harvest, handling, transport, and storage;

''(iv) strategies for integrating feedstock production into existing managed land; and

''(v) improving the value and quality of coproducts, including materials used for animal feeding;

''(B) overcoming recalcitrance of cellulosic biomass through developing technologies for converting cellulosic biomass into intermediates that can subsequently be converted into biobased fuels and biobased products, including—

''(i) pretreatment in combination with enzymatic or microbial hydrolysis;

''(ii) thermochemical approaches, including gasification and pyrolysis; and

''(iii) self-processing crops that express enzymes capable of degrading cellulosic biomass;

''(C) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that eventually can increase the feasibility of fuel production in a biorefinery, including—

''(i) catalytic processing, including thermochemical fuel production;

''(ii) metabolic engineering, enzyme engineering, and fermentation systems for biological production of desired products, coproducts, or cogeneration of power;

''(iii) product recovery;

''(iv) power production technologies;

''(v) integration into existing biomass processing facilities, including starch ethanol plants, sugar processing or refining plants, paper mills, and power plants; and

''(vi) enhancement of products and coproducts, including dried distillers grains (including substantially elevated starch content, increased oil content, improved fatty acid profiles, and improved resistance to mold and mycotoxins; and

''(D) analysis that provides strategic guidance for the application of biomass technologies in accordance with realization of improved sustainability and environmental quality, cost effectiveness, security, and rural economic development, usually featuring system-wide approaches.

''(5) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in paragraph (4), and in addition to advancing the purposes described in paragraph (3) and the objectives described in paragraph (2), the Secretaries shall support research and development—

''(A) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices, such as improvements in dried distillers grains as a bridge feedstock;

''(B) to maximize the environmental, economic, and social benefits of production of biobased fuels and biobased products on a large scale through life-cycle economic and environmental analysis and other means; and

''(C) to assess the potential of Federal land and land management programs as feedstock resources for biobased fuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

''(6) ELIGIBLE ENTITIES.—To be eligible for a grant, contract, or assistance under this subsection, an applicant shall be—

''(A) an institution of higher education;

''(B) a National Laboratory;

''(C) a Federal research agency;

''(D) a State research agency;

''(E) a private sector entity;

''(F) a nonprofit organization; or

''(G) a consortium of two or more entities described in subparagraphs (A) through (F).

''(7) ADMINISTRATION.—

''(A) IN GENERAL.—After consultation with the Board, the points of contact shall—

''(i) publish annually one or more joint requests for proposals for grants, contracts, and assistance under this subsection;

''(ii) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

''(iii) give some preference to applications that—

''(I) involve a consortia of experts from multiple institutions;

''(II) encourage the integration of disciplines and application of the best technical resources; and

''(III) increase the geographic diversity of demonstration projects.

''(B) DISTRIBUTION OF FUNDING BY TECHNICAL AREA.—Of the funds authorized to be appropriated for activities described in this subsection, funds shall be distributed for each of fiscal years 2007 through 2012 so as to achieve an approximate distribution of—

''(i) 20 percent of the funds to carry out activities for feedstock production under paragraph (4)(A);

''(ii) 45 percent of the funds to carry out activities for overcoming recalcitrance of cellulosic biomass under paragraph (4)(B), of which not less than 10 percent shall be used for activities referred to in each clause of paragraph (4)(B);

''(iii) 30 percent of the funds to carry out activities for product diversification under paragraph (4)(C); and

''(iv) 5 percent of the funds to carry out activities for strategic guidance under paragraph (4)(D).

''(C) DISTRIBUTION OF FUNDING WITHIN EACH TECHNICAL AREA.—Within each technical area described in subparagraphs (A) through (C) of paragraph (4), funds shall be distributed for each of fiscal years 2007 through 2012 so as to achieve an approximate distribution of—

''(i) 15 percent of the funds for applied fundamentals;

''(ii) 35 percent of the funds for innovation; and

''(iii) 50 percent of the funds for demonstration and commercial applications.

''(D) MATCHING FUNDS.—

''(i) IN GENERAL.—A minimum 20 percent funding match shall be required for demonstration projects under this section.

''(ii) COMMERCIAL APPLICATIONS.—A minimum of 50 percent funding match shall be required for commercial application projects under this section.

''(E) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through those services, as appropriate.

''(h) ADMINISTRATIVE SUPPORT AND FUNDS.—

''(1) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under paragraph (2)(b), the Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this section.

''(2) OTHER AGENCIES.—The heads of the agencies referred to in subsection (e)(2)(C), and the other members appointed under subsection (e)(2)(D), may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

''(3) LIMITATION.—Not more than 4 percent of the amount appropriated for each fiscal year under subsection (g)(6) may be used to pay the administrative costs of carrying out this section.

''(i) REPORTS.—

''(1) ANNUAL REPORTS.—For each fiscal year for which funds are made available to carry out this section, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

''(A) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that—

''(i) is consistent with the objectives, purposes, and additional considerations described in paragraphs (2) through (5) of subsection (g);

''(ii) uses the set of criteria established in the initial report submitted under title III of the Agricultural Risk Protection Act of 2000;

''(iii) achieves the distribution of funds described in subparagraphs (B) and (C) of subsection (g)(7); and

''(iv) takes into account any recommendations that have been made by the Advisory Committee;

''(B) the general status of cooperation and research and development efforts carried out at each agency with respect to biobased fuels and biobased products, including a report from the Advisory Committee on whether the points of contact are funding proposals that are selected under subsection (g)(3)(B)(iii); and

''(C) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

''(2) UPDATES.—The Secretary and the Secretary of Energy shall update the Vision and Roadmap documents prepared for Federal biomass research and development activities.

''(3) MANAGEMENT PLAN.—The Secretary shall every five years, in consultation with the Secretary of Energy, submit to Congress a detailed management plan for the implementation of this section. The management plan shall include—

''(A) consideration of the contribution of the section towards achieving the objectives referred to in paragraphs (2) and (3) of subsection (g) and in achieving the goals of the biomass program of the Department of Energy;

''(B) consideration of input solicited from the Advisory Committee, State, and private sources; and

''(C) specific and quantifiable near and long-term goals.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2006 through 2015.''.

(b) REPEAL.—Title III of the Agricultural Risk Protection Act of 2000 (Public Law 106-224) is hereby repealed.

(c) MANAGEMENT PLAN SUBMISSION DATE.—The first management plan required to be submitted under section 9008(i)(3) of the Biomass Research and Development Act of 2000, as added by subsection (a), shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 9007. ADJUSTMENTS TO THE BIOENERGY PROGRAM.

Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'';

(ii) in subparagraph (B), by striking the final period and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs:

''(C) production of heat and power at a biofuels plant;

''(D) biomass gasification;

''(E) hydrogen made from cellulosic commodities for fuel cells;

''(F) renewable diesel;

''(G) such other items as the Secretary considers appropriate.'';

(B) by striking paragraph (3) and inserting the following:

''(3) ELIGIBLE FEEDSTOCK.—

''(A) IN GENERAL.—The term 'eligible feedstock' means—

''(i) any plant material grown or collected for the purpose of being converted to energy (including aquatic plants);

''(ii) any organic byproduct or residue from agriculture and forestry, including mill residues and pulping residues that can be converted into energy;

''(iii) any waste material that can be converted to energy and is derived from plant material, including—

''(I) wood waste and residue;

''(II) specialty crop waste, including waste derived from orchard trees, vineyard crops, and nut crops; or

''(III) other fruit and vegetable byproducts or residues; or

''(iv) animal waste and byproducts.

''(B) EXCLUSION.—The term 'eligible feedstock' does not include corn starch.'';

(C) in paragraph (4), by striking ''an eligible commodity'' and inserting ''eligible feedstock''; and

(D) by adding at the end the following new paragraph:

''(5) RENEWABLE DIESEL.—The term 'renewable diesel' means any type of biobased renewable fuel derived from plant or animal matter that may be used as a substitute for standard diesel fuel and meets the requirements of an appropriate American Society for Testing and Material standard. Such term does not include any fuel derived from coprocessing an eligible feedstock with a feedstock that is not biomass.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''The Secretary shall continue'' and all that follows through ''the Secretary makes'' and inserting ''The Secretary shall make''; and

(ii) by striking ''eligible commodities'' and inserting ''eligible feedstock'';

(B) in paragraph (2)(B), by striking ''eligible commodities'' and inserting ''eligible feedstock'';

(C) in paragraph (3), by striking subparagraphs (B) and (C) and inserting the following:

''(B) PRIORITY.—In making payments under this paragraph, the Secretary shall give priority to contracts by considering the factors referred to in section 9003(e)(2)(B).''; and

(D) by striking paragraph (6) and inserting the following:

''(6) LIMITATION.—The Secretary may limit the amount of payments that may be received by

an eligible producer under this section as the Secretary considers appropriate.''.

SEC. 9008. RESEARCH, EXTENSION, AND EDUCATIONAL PROGRAMS ON BIOBASED ENERGY TECHNOLOGIES AND PRODUCTS.

Section 9011(j)(1)(C) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109(j)(1)(C)) is amended by striking ''2010'' and inserting ''2012''.

SEC. 9009. ENERGY COUNCIL OF THE DEPARTMENT OF AGRICULTURE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9012. ENERGY COUNCIL OF THE DEPARTMENT OF AGRICULTURE.

''(a) IN GENERAL.—The Secretary of Agriculture shall establish an energy council in the Office of the Secretary (in this section referred to as the 'Council') to coordinate the energy policy of the Department of Agriculture and consult with other departments and agencies of the Federal Government.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary shall appoint the members of the Council from among the staff of the agencies and mission areas of the Department of Agriculture with responsibilities relating to energy programs or policies.

''(2) CHAIR.—The chief economist and the Under Secretary for Rural Development of the Department of Agriculture shall serve as the Chairs of the Council.

''(c) DUTIES OF OFFICE OF ENERGY POLICY AND NEW USES.—The Office of Energy Policy and New Uses of the Department of Agriculture shall support the activities of the Council.''.

SEC. 9010. FARM ENERGY PRODUCTION PILOT PROGRAM.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9013. FARM ENERGY PRODUCTION PILOT PROGRAM.

''(a) PROGRAM.—The Secretary of Agriculture shall establish a pilot program to provide grants to farmers for the purpose of demonstrating the feasibility of making a farm energy neutral using existing technologies.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2008 through 2012.''.

SEC. 9011. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9014. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Agriculture (in this section referred to as the 'Secretary') may make grants in accordance with this section to enable eligible rural communities to substantially increase their energy self-sufficiency.

''(2) ELIGIBLE RURAL COMMUNITY DEFINED.—In this section, the term 'eligible rural community' means a community that has a population of fewer than 25,000 individuals, and is not located in a metropolitan statistical area (as defined by the Bureau of the Census).

''(b) APPLICATIONS.—

''(1) IN GENERAL.—A community desiring to receive a grant under this section shall submit to the Secretary an application for the grant, which contains a description of how the community would use the grant to develop an integrated renewable energy system to substantially increase its energy self-sufficiency.

''(2) INTEGRATED RENEWABLE ENERGY SYSTEM.—In paragraph (1), the term 'integrated renewable energy system' includes—

''(A) the use of biofuels;

''(B) the use of biomass to produce electricity;

''(C) the use of animal manure to produce biogas as a substitute for natural gas;

''(D) the use of new technologies to provide highly energy efficient lighting, buildings, or vehicles;

''(E) the use of wind power to produce electricity and hydrogen; and

''(F) the use of solar energy.

''(c) CONSIDERATION OF APPLICATIONS.—

''(1) EVALUATION.—In making grants under this section, the Secretary shall evaluate applications based on their ability to demonstrate—

''(A) integration of different renewable energy sources at lowest total cost;

''(B) integration of different renewable energy sources with greatest potential for commercialization; and

''(C) development of best practices, and models for viable rural energy self-sufficiency.

''(2) PREFERENCE.—In making grants under this section, the Secretary shall give preference to those which propose a project developed or carried out in coordination with—

''(A) universities or their non-profit foundations;

''(B) Federal, State, or local government agencies;

''(C) public or private power generation entities; or

''(D) government entities with responsibility for water or natural resources.

''(d) GRANTS.—

''(1) COST-SHARING.—The amount of a grant under this section with respect to an application shall not exceed 75 percent of the cost of the activities described in the application.

''(2) NUMBER OF GRANTS PER YEAR.—The Secretary may make not more than 5 grants under this section in each fiscal year.

''(e) USE OF GRANTS.—A community to which a grant is made under this section shall use the grant to develop an integrated renewable energy system to improve the energy efficiency of the community, and shall document any energy savings resulting from the use of the grant.

''(f) REPORT TO THE CONGRESS.—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 document the best practices and approaches used by grantees receiving funds under this section.

''(g) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this section, there are authorized to be appropriated to the Secretary not more than $5,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009 through 2012.''.

SEC. 9012. AGRICULTURAL BIOFUELS FROM BIOMASS INTERNSHIP PILOT PROGRAM.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9015. AGRICULTURAL BIOFUELS FROM BIOMASS INTERNSHIP PILOT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a structured, academically-oriented internship pilot program (in this section referred to as the 'Program') to provide students from universities in California, Iowa, Missouri, Georgia, Minnesota, and other states with substantial farm-based economies with the opportunity to work within the Department of Agriculture, Congress and legislative branch agencies, other Federal departments and agencies, corporations, and nonprofit institutions on matters pertaining to policies regarding renewable energy, including the conversion of biomass and other agricultural products to produce ethanol and other biofuels.

''(b) ELIGIBILITY.—To be eligible for an internship under subsection (a) a student shall—

''(1) be a third or fourth year undergraduate student or a graduate student at an accredited college or university in California, Iowa, Missouri, Georgia, Minnesota, or another State with a substantial farm-based economy that commits matching funds in accordance with subsection (g);

''(2) be a United States citizen;

''(3) be pursuing an undergraduate or graduate program in agriculture and related supporting subjects with direct relevance to the subject of biorefinery, biofuels, and renewable energy; and

''(4) meet any other conditions or requirements that the Secretary considers necessary.

''(c) PRIORITIES OF INTERNSHIP PILOT PROGRAM.—In administering the Program (including in the selection of students to participate in the Program), the Secretary shall prioritize the following activities and placements:

''(1) Structured internship experiences that feature direct, hands-on assistance to policy makers engaged in the development and implementation of agriculture and related supporting policies and legislation, with direct relevance to the subject of biorefinery, biofuels, and renewable energy.

''(2) Internship and academic seminar programs that provide a combination of workforce training, experiential education, and leadership development designed specifically for the Department of Agriculture and Congress, with regard to agriculture-based biorefinery, biofuels, and related renewable energy policies.

''(3) Establishment of regional and state networks that partner with the agricultural business, government and academic communities to enhance the prospects for providing financial assistance to students, particularly minority students, from colleges and universities in each participating State who are from economically disadvantaged backgrounds.

''(4) Internship and academic seminar programs that focus on agriculture-based research, development, and policies addressing new technologies to enhance agriculture production and enhanced economic development in the agriculture sector of the United States.

''(d) ADMINISTRATION OF THE PILOT PROGRAM.—The Secretary, in consultation with other executive and legislative branch officials, shall administer the Program. The Secretary may engage the services of an experienced, nonprofit, nonpartisan professional internship and academic seminar organization with extensive experience in developing and carrying out Washington-based or other State-based internship programs and State-based financial assistance initiatives for interns to assist in carrying out the Program.

''(e) SCHOLARSHIPS AND OTHER ASSISTANCE FOR INTERNSHIPS.—The Secretary may make available to undergraduate and graduate students participating in the Program scholarships or other types of financial assistance, including funds to cover the cost of housing, per diem living expenses, transportation, tuition and other educational expenses, and related costs, that would allow participation by eligible undergraduate and graduate students from economically-disadvantaged backgrounds within the Program States.

''(f) LONGITUDINAL STUDIES AND REPORTING REQUIREMENTS.—

''(1) LONGITUDINAL STUDIES AND EVALUATION OF INTERNSHIP PROGRAM.—In developing and implementing the Program, the Secretary shall carry out such longitudinal studies and program evaluations as he or she deems appropriate to ensure that the program is administered in a cost-effective manner and has specific milestones, objectives, and results quantified with regard to such Program.

''(2) REPORTING REQUIREMENTS.—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 periodic reports regarding the development and implementation of the Program, including the longitudinal studies and evaluations required under paragraph (1).

''(g) STATE MATCHING REQUIREMENT.—As a condition of receiving an internship under the Program, the State in which the student receiving the internship is pursuing an undergraduate or graduate degree shall provide matching funds in the amount of one dollar for every two dollars provided by the Secretary under the Program.

''(h) FEDERAL CONTRIBUTION LIMIT.—The Secretary may not expend more than $200,000 in any fiscal year to provide internships to students pursuing an undergraduate or graduate degree in any particular State.

''(i) APPLICATION OF FUNDS.—The Secretary shall, to the maximum extent practicable, use funds made available under subsection (j) to provide scholarships and the other forms of financial assistance described in subsection (e) directly attributable to the participation in the Program by students from rural, economically-disadvantaged backgrounds.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 9013. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9016. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

''(a) DEFINITIONS.—In this section:

''(1) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

''(2) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

''(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

''(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

''(1) IN GENERAL.—

''(A) PURCHASES AND SALES.—For each of fiscal years 2008 through 2012, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that 156 of the Federal Agricultural Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(B) COMPETITIVE PROCEDURES.—In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

''(C) LIMITATION.—The purchase and sale of eligible commodities under subparagraph (A) shall only be made in fiscal years in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(2) NOTICE.—

''(A) IN GENERAL.—Not later than September 1, 2007, and each September 1 thereafter through fiscal year 2011, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the subsequent fiscal year under this section.

''(B) REESTIMATES.—Not later than the first day of each of the second through fourth quarters of each of fiscal years 2008 through 2012, the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

''(3) COMMODITY CREDIT CORPORATION INVENTORY.—To the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall sell such commodity to bioenergy producers under this section.

''(4) TRANSFER RULE; STORAGE FEES.—

''(A) GENERAL TRANSFER RULE.—Except as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this subsection take possession of such commodities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

''(B) PAYMENT OF STORAGE FEES PROHIBITED.—

''(i) IN GENERAL.—The Secretary shall, to the greatest extent practicable, carry out this subsection in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this subsection.

''(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)).

''(C) OPTION TO PREVENT STORAGE FEES.—

''(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase such commodities to be used to satisfy the contracts entered into with the bioenergy producers.

''(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases such commodities.

''(5) RELATION TO OTHER LAWS.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, such sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

''(6) FUNDING.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.''.

SEC. 9014. DEDICATED ETHANOL PIPELINE FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of Energy and the Secretary of Transportation, shall spend up to $1,000,000 to fund feasibility studies for the construction of dedicated ethanol pipelines.

(b) CONDUCT OF STUDIES.—

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

(A) through a competitive solicitation process, select 1 or more firms having capabilities in the planning, development, and construction of dedicated pipelines to carry out the feasibility studies described in subsection (a); or

(B) carry out the feasibility studies in conjunction with such firms.

(2) TIMING.—

(A) IN GENERAL.—Not later than 120 days after the Secretary selects 1 or more firms under paragraph (1)(A) and funding is made available under subsection (f), the Secretary shall award funding under this section.

(B) STUDIES.—As a condition of receiving funds under this section, a recipient of funding shall agree to submit to the Secretary a completed feasibility study not later than one year after the date on which the recipient is awarded funds pursuant to paragraph (1)(A).

(c) STUDY FACTORS.—Feasibility studies funded under this section shall include consideration of—

(1) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(2) potential evolutionary pathways for the development of an ethanol pipeline transport system, such as starting with localized gathering networks as compared to major interstate ethanol pipelines to carry larger volumes from the Midwest to the East or West coast;

(3) market risk, including throughput risk, and ways of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in these areas and help ensure the construction of dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the first dedicated ethanol pipelines will require to invest in the pipelines;

(6) ethanol production of 20,000,000,000, 30,000,000,000, and 40,000,000,000 gallons per year by 2020; and

(7) such other factors that the Secretary considers to be appropriate.

(d) CONFIDENTIALITY.—If a recipient of funding under this section requests confidential treatment for critical energy infrastructure information or commercially-sensitive data contained in a feasibility study submitted by the recipient under subsection (b)(2)(B), the Secretary shall offer to enter into a confidentiality agreement with the recipient to maintain the confidentiality of the submitted information.

(e) REVIEW; REPORT.—The Secretary of Agriculture shall—

(1) review the feasibility studies submitted under subsection (b)(2)(B) or carried out under subsection (b)(1)(B); and

(2) not later than 90 days after the date on which all studies are completed under subsection (b), submit to Congress a report that includes—

(A) information about the potential benefits of constructing dedicated ethanol pipelines; and

(B) recommendations for legislation that could help provide for the construction of dedicated ethanol pipelines.

(f) FUNDING.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section $1,000,000 for fiscal year 2008, to remain available until expended.

SEC. 9015. BIOMASS INVENTORY REPORT.

(a) INVENTORY REQUIRED.—The Secretary of Agriculture shall conduct an inventory of biomass resources on a county-by-county basis.

(b) REPORT.—Not later than one year after the date of the 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 containing—

(1) the results of the inventory conducted under subsection (a); and

(2) an estimate of the amount of unused crop land in the United States that could be used for dedicated energy crops.

(c) BIOMASS RESOURCES DEFINED.—In this section, the term ''biomass resource'' has the meaning given the term ''eligible commodity'' in section 9010(a)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(a)(3)).

SEC. 9016. FUTURE FARMSTEADS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a program to equip, in

each of 5 regions of the country chosen to represent different farming practices, a farm house and its surrounding fields, facilities, and forested areas with technologies to—

(1) improve farm energy production and energy use efficiencies;

(2) provide working examples to farmers; and

(3) serve as an education, demonstration, and research facility that will teach graduate students whose focus of research is related to either renewable energy or energy conservation technologies.

(b) GOALS.—The goals of the program established under subsection (a) shall be to—

(1) advance farm energy use efficiencies and the on-farm production of renewable energies, along with advanced communication and control technologies with the latest in energy capture and conversion techniques, thereby enhancing rural energy independence and creating new revenues for rural economies;

(2) accelerate private sector and university research into the efficient on-farm production of renewable fuels and help educate the farming industry, students, and the general public; and

(3) accelerate energy independence, including the production and the conservation of renewable energies on farms.

(c) COLLABORATION PARTNERS.—The program under this section shall be carried out in partnership with regional land grant institutions, agricultural commodity commissions, biofuels companies, sensor and controls companies, and internet technology companies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 9017. SENSE OF CONGRESS ON RENEWABLE ENERGY.

It is the sense of Congress that—

(1) energy demand in the United States is projected to increase by more than 30 percent over the next two decades;

(2) increased production of renewable energy and growth of its infrastructure would assist the United States in meeting the growing energy demand;

(3) continued, and even accelerated, development of renewable energy inputs and technologies provide numerous benefits to the United States, including improved national security and economic growth;

(4) while it should be a priority of the Federal Government to continue to promote policies and incentives to stimulate growth and development of renewable energy infrastructure, it should be recognized that the marketplace is also an important instrument to determine which renewable energy sources and technologies will provide the most efficient and effective energy production;

(5) renewable energy inputs and technology must be available in abundant quantities and provide energy at competitive prices in a reliable manner for the American consumer; and

(6) it is in the interest of the United States to diversify its energy portfolio and increase the energy independence of the United States by further developing alternative forms of energy.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

Subtitle A—Honey and Bees

Sec. 10001. Annual report on response to honey bee colony collapse disorder.

Subtitle B—Horticulture Provisions

Sec. 10101. Tree assistance program.
Sec. 10102. Specialty crop block grants.
Sec. 10103. Additional section 32 funds for purchase of fruits, vegetables, and nuts to support domestic nutrition assistance programs.
Sec. 10104. Independent evaluation of Department of Agriculture commodity purchase process.
Sec. 10105. Quality requirements for clementines.
Sec. 10106. Implementation of food safety programs under marketing orders.
Sec. 10107. Inclusion of specialty crops in census of agriculture.
Sec. 10108. Maturity requirements for Hass avocados.
Sec. 10109. Mushroom promotion, research, and consumer information.
Sec. 10110. Fresh produce education initiative.

Subtitle C—Pest and Disease Management

Sec. 10201. Pest and disease program.
Sec. 10202. Multi-species fruit fly research and sterile fly production.

Subtitle D—Organic Agriculture

Sec. 10301. National organic certification cost-share program.
Sec. 10302. Organic production and market data.
Sec. 10303. Organic conversion, technical, and educational assistance.

Subtitle E—Miscellaneous Provisions

Sec. 10401. Restoration of import and entry agricultural inspection functions to the Department of Agriculture.
Sec. 10402. Grant program to improve movement of specialty crops.
Sec. 10403. Authorization of appropriations for market news activities regarding specialty crops.
Sec. 10404. Farmers' market promotion program.
Sec. 10405. National Clean Plant Network.

Subtitle A—Honey and Bees

SEC. 10001. ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.

The Secretary of Agriculture shall submit to Congress an annual report describing the progress made by the Department of Agriculture in investigating the cause or causes of honey bee colony collapse and in finding appropriate strategies to reduce colony loss.

Subtitle B—Horticulture Provisions

SEC. 10101. TREE ASSISTANCE PROGRAM.

(a) INCLUSION OF NURSERY TREE GROWERS.—

(1) ELIGIBILITY.—Section 10201 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201) is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.''.

(2) CONFORMING AMENDMENTS.—Subtitle C of title X of the Farm Security and Rural Investment Act of 2002 is amended—

(A) in section 10202 (7 U.S.C. 8202)—

(i) in subsection (a), by inserting ''and nursery tree growers'' after ''eligible orchardists''; and

(ii) in subsection (b), by inserting ''or nursery tree grower'' after ''eligible orchardist''; and

(B) in section 10203 (7 U.S.C. 8203), by inserting ''and nursery tree growers'' after ''eligible orchardists''.

(b) ANNUAL PAYMENT LIMITATION.—Section 10204(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(a)) is amended by striking ''$75,000'' and inserting ''$150,000 per year''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any natural disaster occurring after the date of the enactment of this Act for which assistance is provided by the Secretary of Agriculture under the tree assistance program.

SEC. 10102. SPECIALTY CROP BLOCK GRANTS.

(a) EXTENSION OF PROGRAM.—Subsection (a) of section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by striking ''2009'' and inserting ''2012''.

(b) AVAILABILITY OF FUNDS.—Subsection (i) of section 101 of the Specialty Crops Competitiveness Act of 2004 is amended to read as follows:

''(i) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

''(1) $60,000,000 in fiscal year 2008;

''(2) $65,000,000 in fiscal year 2009;

''(3) $70,000,000 in fiscal year 2010;

''(4) $75,000,000 in fiscal year 2011; and

''(5) $95,000,000 in fiscal year 2012.''.

(c) CONFORMING AMENDMENTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is further amended—

(1) in subsection (a), by striking ''Subject to the appropriation of funds to carry out this section'' and inserting ''Using the funds made available under subsection (i)'';

(2) in subsection (b), by striking ''appropriated pursuant to the authorization of appropriations in'' and inserting ''made available under''; and

(3) in subsection (c), by striking ''Subject to the appropriation of sufficient funds to carry out this subsection, each'' and inserting ''Each''.

(d) DEFINITION OF SPECIALTY CROP.—Section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by inserting ''horticulture and'' before ''nursery''.

SEC. 10103. ADDITIONAL SECTION 32 FUNDS FOR PURCHASE OF FRUITS, VEGETABLES, AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FUNDING FOR ADDITIONAL PURCHASES OF FRUITS, VEGETABLES, AND NUTS.—In addition to the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4), the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

(1) $190,000,000 in fiscal year 2008.

(2) $193,000,000 in fiscal year 2009.

(3) $199,000,000 in fiscal year 2010.

(4) $203,000,000 in fiscal year 2011.

(5) $206,000,000 in fiscal year 2012 and each fiscal year thereafter.

(b) FORM OF PURCHASES.—Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(c) VALUE ADDED PRODUCTS.—The Secretary may consider offering value-added products containing fruits, vegetables or nuts under this section, taking into account—

(1) whether demand exists for the value-added product; and

(2) the interests of entities that receive fruits, vegetables, and nuts under this section.

SEC. 10104. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.

(a) EVALUATION REQUIRED.—The Secretary of Agriculture shall arrange to have performed an independent evaluation of the commodity purchasing processes (and the statutory and regulatory authority underlying such processes) used by the Department of Agriculture to remove surplus commodities from the market and support commodity prices and producer incomes, especially with regard to activities under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and the importance of increasing purchases of specialty crops.

(b) SUBMISSION OF RESULTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the results of the evaluation.

SEC. 10105. QUALITY REQUIREMENTS FOR CLEMENTINES.

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 inserting after ''nectarines,'' the following: ''clementines,''.

SEC. 10106. IMPLEMENTATION OF FOOD SAFETY PROGRAMS UNDER MARKETING ORDERS.

Section 8c(6) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

''(K) In the case of an order related to a specialty crop (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883)), authorizing the implementation of quality-related food safety programs designed to enhance the safety of the specialty crop and products derived from specialty crops.''.

SEC. 10107. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.

Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a) is amended by adding at the end the following new sentence: ''Beginning with the census of agriculture required to be conducted in 2008, the Secretary shall conduct as part of each census of agriculture a census of specialty crops (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883)).''.

SEC. 10108. MATURITY REQUIREMENTS FOR HASS AVOCADOS.

Subtitle A of the Agricultural Marketing Act of 1946 is amended by adding at the end the following new section:

''SEC. 209. MATURITY REQUIREMENTS FOR HASS AVOCADOS.

''(a) MINIMUM PERCENTAGE OF DRY MATTER.—Not later than 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Secretary of Agriculture shall issue final regulations to require that all Hass avocados sold to consumers in the United States meet the minimum maturity standard of not less than 20.8 percent dry matter.

''(b) EXCEPTIONS.—Subsection (a) and the regulations issued pursuant to such subsection shall not apply to Hass avocados—

''(1) intended for consumption by charitable institutions;

''(2) intended for distribution by relief agencies;

''(3) intended for commercial processing into products; or

''(4) that the Secretary determines should not be subject to such subsection or such regulations.

''(c) USE OF EXISTING INSPECTORS.—The Secretary shall, to the greatest extent practicable, use inspectors that inspect avocados for compliance with section 8e of the Agricultural Adjustment Act (7 U.S.C. 608e-1), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to conduct inspections under this section.

''(d) CIVIL PENALTIES.—The Secretary may require any person who violates this section or the regulations issued pursuant to this section to—

''(1) forfeit to the United States a sum equal to the value of the commodity at the time of violation, which forfeiture shall be recoverable in a civil suit bought in the name of the United States; or

''(2) on conviction, be fined not less than $50 or more than $5,000 for each violation.

''(e) DIVERSION.—In the case of any Hass avocados that do not meet the requirements of this section or the regulations issued pursuant to this section, the Secretary may—

''(1) provide for the reinspection of the Hass avocados; or

''(2) authorized the diversion, export, or repacking of the Hass avocados.

''(f) FEES.—The Secretary may prescribe and collect fees to cover the costs of providing for the inspection of Hass avocados under this section. All fees and penalties collected shall be credited to the accounts that incur such costs and shall remain available until expended without fiscal year limitation.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 10109. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) REGIONS AND MEMBERS.—Section 1925(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (subtitle B of title XIX of Public Law 101–624; 7 U.S.C. 6104(b)(2)) is amended—

(1) in subparagraph (B), by striking ''4 regions'' and inserting ''3 regions'';

(2) in subparagraph (D), by striking ''35,000,000 pounds'' and inserting ''50,000,000 pounds''; and

(3) by striking subparagraph (E), and inserting the following new subparagraph:

''(E) ADDITIONAL MEMBERS.—In addition to the members appointed pursuant to paragraph (1), and subject to the nine-member limit of members on the council provided in such paragraph, the Secretary shall appoint additional members to the council from a region which attains additional pounds of production as follows:

''(i) If a region's annual production is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by one additional member.

''(ii) If a region's annual production is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by two additional members.

''(iii) If a region's annual production is greater than 260,000,000 pounds, the region shall be represented by three additional members.''.

(b) POWERS AND DUTIES OF COUNCIL.—Section 1925(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (subtitle B of title XIX of Public Law 101–624; 7 U.S.C. 6104(c)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (5), the following new paragraph (6):

''(6) to develop a program for good agricultural practices and good handling practices for mushrooms;''.

SEC. 10110. FRESH PRODUCE EDUCATION INITIATIVE.

(a) INITIATIVE AUTHORIZED.—The Secretary of Agriculture may carry out a program to educate persons involved in the fresh produce industry and the public about—

(1) scientifically proven practices for reducing microbiological pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through unsanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the program in cooperation with public or private partners.

(c) FUNDING.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.

Subtitle C—Pest and Disease Management

SEC. 10201. PEST AND DISEASE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a program to—

(1) conduct early pest detection and surveillance activities in cooperation with state departments of agriculture;

(2) determine and prioritize pest and disease threats to domestic production of specialty crops; and

(3) create an audit-based certification approach to protect against the spread of plant pests and to facilitate the interstate movement of plants and plant products.

(b) EARLY PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

(1) COOPERATIVE AGREEMENTS.—The Secretary of Agriculture shall enter into cooperative agreements with State departments of agriculture to provide grants to such State departments of agriculture for early pest detection and surveillance activities.

(2) APPLICATION.—A State department of agriculture seeking to enter into a cooperative agreement under this subsection shall submit to the Secretary an application containing such information as the Secretary may require. The Secretary shall notify applicants of the following:

(A) The requirements to be imposed on a department of agriculture for auditing of, and reporting on, the use of any funds provided by the Secretary under the cooperative agreement.

(B) The criteria to be used to ensure that early pest detection and surveillance activities supported under the cooperative agreement are based on sound scientific data or thorough risk assessments.

(C) The means of identifying pathways of pest introductions.

(3) USE OF FUNDS.—

(A) PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this section shall use the funds to carry out early pest detection and surveillance activities approved by the Secretary to prevent the introduction or spread of a pest.

(B) SUBAGREEMENTS.—A State department of agriculture may use funds received under this section to enter into subagreements with political subdivisions in such State that have legal responsibilities relating to agricultural pest and disease surveillance.

(4) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide, subject to the availability of funds under subsection (j), funds to a State department of agriculture that the Secretary determines is in a State that has a high risk of being affected by one or more pest, based on the following factors:

(A) The number of international airports and maritime facilities in that State.

(B) The volume of international passenger and cargo entry into that State.

(C) The geographic location of that State and if such location is conducive to agricultural pest and disease establishment due to the climate or crop diversity of that State.

(D) The types of agricultural commodities or plants produced in that State and if the commodities or plants produced are conducive to agricultural pest and disease establishment due to the climate or crop diversity of that State.

(E) Whether the Secretary has declared an emergency in that State pursuant to section 442 of the Plant Protection Act (7 U.S.C. 7772) due to an agricultural pest or disease of Federal concern.

(F) Such other factors as the Secretary considers appropriate.

(5) COST-SHARE.—

(A) FEDERAL COST SHARE; FORM OF NON-FEDERAL COST SHARE.—Except as provided in subparagraph (B), a cooperative agreement entered into under paragraph (1) shall provide that—

(i) the Federal share of carrying out the cooperative agreement shall not exceed 75 percent of the total cost;

(ii) the non-Federal share of the cost of carrying out the agreement may be provided in-kind; and

(iii) in-kind costs may include indirect costs as considered appropriate by the Secretary.

(B) ABILITY TO PROVIDE FUNDS.—The Secretary shall not take the ability to provide non-Federal costs to carry out a cooperative agreement entered into under paragraph (1) into consideration when deciding whether to enter into

a cooperative agreement with a State department of agriculture.

(C) SPECIAL FUNDING CONSIDERATIONS.—The non-federal share of carrying out paragraph (4) shall not exceed 40 percent of the total costs of carrying out such paragraph.

(6) REPORTING REQUIREMENT.—Not later than 180 days after the date of completion of an early pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this section, the department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities, including any activities conducted pursuant to a subagreement referred to in paragraph (3)(B).

(c) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

(1) IN GENERAL.—In conducting the program established under subsection (a), the Secretary shall—

(A) develop risk assessments of the existing and potential threat to the specialty crop industry in the United States from pests and disease;

(B) prepare a list prioritizing pest and disease threats to the specialty crop industry;

(C) develop action plans, in consultation with State departments of agriculture and other State or regional resource partnerships, that effectively address pest and disease threats to the specialty crop industry, including pathway analysis, domestic and offshore mitigation measures, and comprehensive exclusion measures at ports of entry and other key distribution centers, in addition to strategies to employ if a pest or disease is introduced;

(D) implement such action plans as soon as they are developed to test the effectiveness of such action plans and help prevent new foreign and domestic pest and disease threats from being introduced or widely disseminated in the United States; and

(E) collaborate with the nursery industry, research institutions, and other appropriate entities to develop a nursery pest risk management system to identify nursery pests and diseases, prevent the introduction, establishment, and spread of such pests and diseases, and reduce the risk of, prioritize, mitigate, and eradicate such pests and diseases.

(2) REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall update and submit to Congress the priority list and action plans described in paragraph (1), including an accounting of funds expended on the action plans.

(d) AUDIT-BASED APPROACH TO SPECIALTY CROP PHYTOSANITARY CERTIFICATION.—In conducting the program established under subsection (a), the Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing such growers, and State and local agencies working with such growers and organizations for the development and implementation of certification systems based on audit-based approaches, such as best management practices or nursery pest risk management systems, to address plant pests and to mitigate the risk of plant pests in the movement of plants and plant products.

(e) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal departments or agencies, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic or international associations, and other persons to carry out this section.

(f) CONSULTATION.—The Secretary shall consult with the National Plant Board, State departments of agriculture, and specialty crop grower organizations to establish funding priorities under this section for each fiscal year.

(g) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided under this section may be used for administrative costs.

(h) DEFINITIONS.—In this section:

(1) EARLY PEST DETECTION AND SURVEILLANCE.—The term ''early pest detection and surveillance'' means the full range of activities undertaken to find newly introduced pests, whether new to the United States or new to certain areas of the United States, before the pests become established, or before pest infestations become too large and costly to eradicate or control.

(2) PEST.—The term ''pest'' has the meaning given the term ''plant pest'' in section 403(14) of the Plant Protection Act (7 U.S.C. 7702(14)).

(3) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3(1) of the Specialty Crop Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883; 7 U.S.C. 1621 note).

(4) STATE DEPARTMENT OF AGRICULTURE.—The term ''State department of agriculture'' means an agency of a State that has a legal responsibility to perform early pest detection and surveillance activities.

(i) SECRETARIAL DISCRETION.—Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking ''of longer than 60 days''.

(j) FUNDING.—Of the funds fo the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(1) $10,000,000 for fiscal year 2008;

(2) $25,000,000 for fiscal year 2009;

(3) $40,000,000 for fiscal year 2010;

(4) $55,000,000 for fiscal year 2011; and

(5) $70,000,000 for fiscal year 2012.

SEC. 10202. MULTI-SPECIES FRUIT FLY RESEARCH AND STERILE FLY PRODUCTION.

(a) CONSTRUCTION.—The Secretary of Agriculture shall construct a warehouse and irradiation containment facility in Waimanalo, Hawaii, to support fruit fly rearing and sterilization activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $15,000,000 for the construction of a warehouse and irradiation containment facility pursuant to subsection (a); and

(2) $1,000,000 for fiscal year 2008 and each subsequent fiscal year for maintenance to the facilities constructed pursuant to this section.

Subtitle D—Organic Agriculture

SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(1) in subsection (a), by striking ''$5,000,000 for fiscal year 2002'' and inserting ''$22,000,000 for fiscal year 2008''; and

(2) in subsection (b)(2), by striking ''$500'' and inserting ''$750''.

SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA.

(a) NEW DATA REQUIREMENTS.—Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended to read as follows:

''SEC. 7407. ORGANIC DATA COLLECTION AND PUBLICATION.

''(a) DATA COLLECTION AND PUBLICATION.—To assist organic farmers in making informed production and marketing decisions, the Secretary of Agriculture shall collect and publish segregated data and survey information about the price, production, and marketing of major organically produced commodities, as determined by the Secretary.

''(b) FUNDING.—The Secretary of Agriculture shall use $3,000,000 of funds of the Commodity Credit Corporation to carry out this section during fiscal year 2008, and such funds shall remain available until expended.''.

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the progress made in implementing the amendment made by subsection (a).

SEC. 10303. ORGANIC CONVERSION, TECHNICAL, AND EDUCATIONAL ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a program to provide cost share and incentive payments and technical and educational assistance to producers to promote conservation practices and activities for production systems undergoing transition, in whole or in part, to organic production in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(b) ORGANIC TRANSITION COST SHARE AND INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Secretary shall enter into contracts with eligible producers referred to in paragraph (2) to provide cost-share and incentive payments to assist in the transition to organic production systems.

(2) ELIGIBLE PRODUCERS.—A producer is an eligible producer under this paragraph if such producer agrees to—

(A) develop and carry out environmental and conservation activities consistent with an organic plan that protect soil, water, wildlife, air, and other natural resources as defined by the Secretary;

(B) receive technical and education assistance from the Secretary, or from organizations, institutions, and consultants with cooperative agreements with the Secretary, relating to—

(i) the development and implementation of conservation practices and activities that are part of an organic plan; or

(ii) other aspects of transition to organic production, including marketing, credit, business, and risk management plans;

(C) submit to annual verification by a certifying agent accredited by the Department of Agriculture under section 2115 of the Organic Foods Production Act of 1990 (7 U.S.C. 6514) to determine compliance of the producer with organic certification requirements; and

(D) develop marketing, credit, business, and risk management plans, as appropriate.

(3) CONTRACT.—A contract entered into under paragraph (1) shall provide that—

(A) payments provided to a producer under the contract shall only be used for—

(i) conservation management and vegetative and structural practices and activities during transition to certified organic production that—

(I) are consistent with an organic plan; and

(II) protect soil, water, wildlife, air, and other natural resources, as required under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(ii) animal production measures consistent with an organic plan; and

(iii) such other measures as the Secretary determines are appropriate and consistent with an organic plan;

(B) subject to subparagraph (C), the contract shall terminate after a period of not more than three years;

(C) the Secretary may terminate the contract if the Secretary determines the eligible producer is not pursuing organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.); and

(D) the Secretary may require repayment in whole of payments already received if the Secretary determines the eligible producer is not pursuing organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq).

(4) LIMITATIONS ON PAYMENTS.—An eligible producer may not receive payments under paragraph (1)—

(A) for a total period of more than three years;

(B) an amount not to exceed $50 per acre for crop land, or $25 per acre for grazing land; and

(C) in an amount more than $10,000 in a fiscal year.

(c) TECHNICAL AND EDUCATIONAL ASSISTANCE.—The Secretary shall provide producers with technical and educational assistance, including through the use of competitive cooperative agreements with non-profit organizations,

non-governmental organizations, institutes of higher education, or consultants with expertise in advisory services for organic producers on organic production systems, and the planning for and marketing of organic products.

(d) USE OF FUNDS.—The Secretary shall use 50 percent of the funds made available pursuant to the authorization of appropriations under subsection (f) to provide technical and educational assistance under subsection (c).

(e) DEFINITIONS.—In this section:

(1) ORGANIC PLAN.—The term ''organic plan'' means an organic plan submitted under section 2114(a) of the Organic Foods Production Act of 1990 (7 U.S.C. 6513(a)) and agreed to by the producer and handler of a product and a certifying agent under such section.

(2) TECHNICAL AND EDUCATIONAL ASSISTANCE.—The term ''technical and educational assistance'' means the conveyance of information and counsel regarding economic and business planning, marketing, and organic practices, such as entomological practices and pest and weed control and prevention that satisfy organic practices.

(f) FUNDING.—There is authorized to be appropriated to carry out this section $50,000,000, which shall remain available until expended.

Subtitle E—Miscellaneous Provisions

SEC. 10401. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is repealed.

(b) CONFORMING AMENDMENT TO FUNCTIONS OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (g), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date specified in subsection (g), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) (as in effect on the day before such effective date) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall establish within the Animal and Plant Health Inspection Service a program, to be known as the ''International Agricultural Inspection Program'', under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the ''Administrator'') shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the ''import and entry agriculture inspector career track program'', to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary of Agriculture, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills.

(f) DUTIES OF SECRETARY OF AGRICULTURE.—

(1) OPERATING PROCEDURES AND TRACKING SYSTEM.—The Secretary of Agriculture shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary of Agriculture shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(3) FUNDING.—The Secretary of Agriculture shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service from amounts made available to the Department of Agriculture for the applicable fiscal year.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 10402. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

(a) GRANTS AUTHORIZED.—The Secretary of Agriculture may make grants under this section to an eligible entity described in subsection (b)—

(1) to improve the cost-effective movement of specialty crops to local, regional, national, and international markets; and

(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

(b) ELIGIBLE GRANT RECIPIENTS.—Grants may be made under this section to any of the following (or a combination thereof):

(1) State and local governments.

(2) Grower cooperatives.

(3) State or regional producer and shipper organizations.

(4) Other entities as determined to be appropriate by the Secretary.

(c) MATCHING FUNDS.—The recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 10403. AUTHORIZATION OF APPROPRIATIONS FOR MARKET NEWS ACTIVITIES REGARDING SPECIALTY CROPS.

There are authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary for each of the fiscal years 2008 through 2012 to support the market news activities regarding specialty crops (as such term is defined in section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 118 Stat. 3883)).

SEC. 10404. FARMERS' MARKET PROMOTION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) agricultural direct farmer-to-consumer marketing activities, including farmers' markets, roadside stands, community supported agriculture, internet, mail-order, and other similar direct order marketing activities, significantly enhance the ability of agricultural producers to retain a greater share of their products' retail value;

(2) direct farmer-to-consumer marketing activities are a crucial component of the current and future viability of small and mid-sized farms and ranches and beginning and socially disadvantaged farmers and ranchers; and

(3) agricultural direct marketing activities contribute to the health and well-being of consumers in rural, urban, and tribal communities by providing access to healthy, fresh, and affordable food.

(b) PROGRAM.—Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a)—

(A) by striking ''Farmers' Market Promotion Program'' and inserting ''Farmer Marketing Assistance Program''; and

(B) by striking ''promote farmers' markets'' and inserting ''direct producer to consumer marketing'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking '', domestic farmers' markets, roadside stands, community-supported agriculture programs, and other''; and

(B) in subparagraph (B), by striking ''farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure'' and inserting ''direct producer-to-consumer marketing and infrastructure opportunities'';

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(B) by inserting before paragraph (2) the following new paragraph:

''(1) two or more farmers or farm vendors who sell products through a common channel of distribution;''; and

(C) in paragraph (2) (as so redesignated) by striking ''an agricultural cooperative'' and inserting ''an agricultural cooperative or producer network or association'';

(4) by striking subsection (e) and inserting the following new subsections:

''(e) ELIGIBLE ACTIVITIES.—A recipient of a grant under this section may use the funds for the following activities:

''(1) Farmers markets.

''(2) Roadside stands.

''(3) Community supported agriculture operations, through which a farmer agrees to deliver a certain quantity of agricultural products to consumers at a set price.

''(4) The purchase of equipment or other activities supporting the use of electronic benefit transfer systems at farmers markets.

''(5) Agritourism activities facilitating the direct sale of agricultural products, including operations where the consumer picks their own agricultural products.

''(6) Other activities as determined appropriate by the Secretary.

''(f) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture use to carry out this section—

''(A) $5,000,000 in each of fiscals year 2008, 2009, and 2010; and

''(B) $10,000,000 in each of fiscal years 2011 and 2012.

''(2) USE OF FUNDS.—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers at farmers' markets.''.

SEC. 10405. NATIONAL CLEAN PLANT NETWORK.

(a) ESTABLISHMENT.—There is established in the Department of Agriculture a program to be known as the ''National Clean Plant Network''.

(b) NETWORK.—The Secretary of Agriculture shall use the network—

(1) to develop a sustainable national funding source for clean planting stock programs for horticultural crops determined by the Secretary to be of priority for the United States; and

(2) to enter into cooperative agreements to entities that have the expertise, facilities, and climate necessary to efficiently produce, maintain, and distribute healthy planting stock for specialty crops.

(c) FUNDING.—

(1) COMMODITY CREDIT CORPORATION.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $20,000,000 for fiscal years 2008 through 2012.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Crop Insurance

Sec. 11001. Availability of supplemental crop insurance based on area yield and loss plan of insurance or area revenue plan of insurance.
Sec. 11002. Premiums and reinsurance requirements.
Sec. 11003. Catastrophic risk protection administrative fee.
Sec. 11004. Funding for reimbursements, contracting, risk management education, and information technology.
Sec. 11005. Reimbursement of research and development costs related to new crop insurance products.
Sec. 11006. Research and development contracts for organic production coverage improvements.
Sec. 11007. Targeting risk management education for beginning farmers and ranchers and certain other farmers and ranchers.
Sec. 11008. Crop insurance ineligibility related to crop production on noncropland.
Sec. 11009. Funds for data mining.
Sec. 11010. Noninsured crop assistance program.
Sec. 11011. Change in due date for Corporation payments for underwriting gains.
Sec. 11012. Sesame insurance pilot program.

Subtitle B—Livestock and Poultry

Sec. 11101. Sense of Congress regarding pseudorabies eradication program.
Sec. 11102. Arbitration of livestock and poultry contracts.
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Sec. 11105. Sense of Congress regarding State inspected meat and poultry products.
Sec. 11106. Sense of Congress regarding the voluntary control program for low pathogenic avian influenza.
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Subtitle C—Socially Disadvantaged Producers and Limited Resource Producers

Sec. 11201. Outreach and technical assistance for socially disadvantaged farmers and ranchers and limited resource farmers and ranchers.
Sec. 11202. Improved program delivery by Department of Agriculture on Indian reservations.
Sec. 11203. Transparency and accountability for socially disadvantaged farmers and ranchers.
Sec. 11204. Beginning farmer and rancher development program.
Sec. 11205. Provision of receipt for service or denial of service.
Sec. 11206. Tracking of socially disadvantaged farmers and ranchers and limited resource farmers and ranchers in Census of Agriculture and certain studies.
Sec. 11207. Farmworker coordinator.
Sec. 11208. Office of Outreach relocation.
Sec. 11209. Minority farmer advisory committee.
Sec. 11210. Coordinator for chronically underserved rural areas.

Subtitle D—Other Miscellaneous Provisions

Sec. 11301. Designation of separate cotton-producing States under Cotton Research and Promotion Act.
Sec. 11302. Cotton classification services.
Sec. 11303. Availability of excess and surplus computers in rural areas.
Sec. 11304. Permanent debarment from participation in Department of Agriculture programs for fraud.
Sec. 11305. No discrimination against use of registered pesticide products or classes of pesticide products.
Sec. 11306. Prohibition on closure or relocation of county offices for the Farm Service Agency, Rural Development Agency, and Natural Resources Conservation Service.
Sec. 11308. Regulation of exports of plants, plant products, biological control organisms, and noxious weeds.
Sec. 11309. Grants to reduce production of methamphetamines from anhydrous ammonia.
Sec. 11310. USDA Graduate School.

Subtitle A—Federal Crop Insurance

SEC. 11001. AVAILABILITY OF SUPPLEMENTAL CROP INSURANCE BASED ON AREA YIELD AND LOSS PLAN OF INSURANCE OR AREA REVENUE PLAN OF INSURANCE.

(a) IN GENERAL.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following new paragraph:

''(11) SUPPLEMENTAL AREA COVERAGE.—

''(A) AVAILABILITY OF COVERAGE.—Notwithstanding paragraph (4), if area coverage is available in an area (as determined by the Corporation under paragraph (3)), the Corporation shall provide eligible producers in that area with the option to purchase supplemental insurance coverage based on—

''(i) an area yield and loss plan of insurance; or

''(ii) an area revenue plan of insurance that includes coverage for a loss in yield.

''(B) ELIGIBLE PRODUCERS.—To be eligible to obtain supplemental coverage under this paragraph, a producer must purchase either an individual yield and loss plan of insurance or a revenue plan of insurance that includes coverage for a loss in yield at an additional coverage level for the same crop to be covered by the supplemental coverage.

''(C) LIMITATION.—In providing supplemental coverage to a producer under this paragraph, the sum of the following shall not exceed 100 percent:

''(i) The coverage level expressed in percentage terms for the individual yield and loss plan of insurance or the revenue plan of insurance that includes coverage for a loss in yield that is purchased by the producer for the same crop covered by the supplemental coverage, as required by subparagraph (B).

''(ii) The share expressed in percentage terms of the area yield and loss plan of insurance or the area revenue plan of insurance (at whatever coverage level is selected) that is used to determine the level of supplemental insurance coverage provided the producer under this paragraph.

''(D) PAYMENT OF PORTION OF PREMIUM.—As provided in subsection (e), the Corporation shall pay a portion of the premium for supplemental coverage under this paragraph and the associated individual area yield and loss plan of insurance or revenue plan of insurance that includes coverage for a loss in yield.

''(E) AMOUNT OF INDEMNITY PAID UNDER SUPPLEMENTAL COVERAGE.—The indemnity payable under supplemental coverage provided under this paragraph shall be calculated as—

''(i) the total indemnity for the area yield and loss plan of insurance or area revenue plan of insurance, at the coverage level chosen by the producer; multiplied by

''(ii) the share of the coverage of the area yield and loss plan of insurance or area revenue plan of insurance selected by the producer.

''(F) SPECIAL RULE RELATING TO QUALIFYING LOSSES.—In the case of a qualifying loss in an area (as determined by the Corporation) under supplemental coverage provided under this paragraph, subject to the applicable coverage limits, the total amount of the indemnity shall be available to the producer regardless of the loss incurred under the individual yield and loss plan of insurance or the revenue plan of insurance that includes coverage for a loss in yield of the producer.

''(G) REINSURANCE YEAR.—Subject to the availability of area yield and loss or revenue coverage for an insurable crop in an area (as determined by the Corporation), the Corporation shall provide supplemental coverage under this paragraph not later than the 2008 reinsurance year.''.

(b) CONFORMING AMENDMENTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended—

(1) by striking ''additional coverage'' in the matter preceding subparagraph (A) and inserting ''additional and supplemental coverages''; and

(2) by adding at the end the following new subparagraph:

''(C) In the case of supplemental coverage provided under subsection (c)(11) that, in combination with either the individual yield and loss coverage, or a comparable coverage for a policy or plan of insurance that is not based on individual yield and does not insure more than 100 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, the amount of the premium shall—

''(i) be sufficient to cover anticipated losses and a reasonable reserve; and

''(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.''.

(c) OFFSET.—The Federal Crop Insurance Corporation shall take such actions, including the establishment of adequate premiums, as are necessary to improve the actuarial soundness of Federal multiperil crop insurance to achieve, on and after October 1, 2008, an overall projected loss ratio of not greater than 1.00.

SEC. 11002. PREMIUMS AND REINSURANCE REQUIREMENTS.

(a) PREMIUM ADJUSTMENTS.—Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following new paragraph:

''(9) PREMIUM ADJUSTMENTS.—

''(A) PROHIBITION.—Except as provided in subparagraph (B), the paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, either as an inducement to procure insurance or after insurance has been procured, any rebate, discount, abatement, credit, or reduction of the premium named in an insurance policy or any other valuable consideration or inducement whatsoever not specified in the policy, is strictly prohibited under this title.

''(B) EXCEPTIONS.—Subparagraph (A) does not apply with respect to the following:

''(i) A rebate authorized under subsection (b)(5)(B).

''(ii) A performance-based discount authorized under subsection (d)(3).''.

(b) PAYMENT OF CATASTROPHIC RISK PROTECTION FEE ON BEHALF OF PRODUCERS.—Section 508(b)(5)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(B)) is amended—

(1) in the subparagraph heading, by inserting ''OF CATASTROPHIC RISK PROTECTION FEE'' after ''PAYMENT'';

(2) in clause (i)—

(A) by striking ''or other payment''; and

(B) by striking ''with catastrophic risk protection or additional coverage''; and inserting ''through the payment of all or a portion of catastrophic risk protection administrative fees'';

(3) in clause (ii)—

(A) by striking ''or other payment made by an insurance provider'' and inserting ''payment made pursuant to clause (i) by an insurance provider'';

(B) by striking ''issuance of catastrophic risk protection or additional coverage to'' and inserting ''payment of catastrophic risk protection administrative fees on behalf of''; and

(C) by striking ''or other payment'' the second place it appears;

(4) in clause (iv), by striking ''A policy or plan of insurance'' and inserting ''Catastrophic risk protection coverage'';

(5) in clause (v)—

(A) by striking ''licensing fee or other arrangement under this subparagraph'' and inserting ''licensing fee arrangement''; and

(B) by striking ''levels of additional coverage'' and inserting ''levels of coverage''; and

(6) by striking clause (vi).

(c) CHANGE IN DUE DATE FOR POLICYHOLDER PREMIUMS.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(C), by striking ''the date that premium'' and inserting ''the same date on which the premium'';

(2) in subsection (c)(10)(B)—

(A) by inserting ''; TIME FOR PAYMENT'' after ''WAIVER''; and

(B) by adding at the end the following new sentence: ''Subparagraph (C) of such subsection shall apply with respect to the collection date for policy premiums.''; and

(3) in subsection (d), by adding at the end the following new paragraph:

''(4) BILLING DATE FOR PREMIUMS.—Beginning with the 2012 reinsurance year, the Corporation shall establish August 1 as the billing date for premiums.''.

(d) REINSURANCE.—

(1) REIMBURSEMENT RATE.—Section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)) is amended by striking clause (ii) and inserting the following new clause:

''(ii) for the 2009 and subsequent reinsurance years, 2 percentage points below the rates, in effect as of the date of the enactment of this Act of the Farm, Nutrition, and Bioenergy Act of 2007, for all crop insurance policies used to define loss ratio.''.

(2) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following new paragraph:

''(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

''(A) PERIODIC RENEGOTIATION.—Following the reinsurance year ending June 30, 2012, the Corporation may renegotiate the financial terms of the standard reinsurance agreement during the next reinsurance year and once during each period of five reinsurance years thereafter.

''(B) EFFECT OF FEDERAL LAW CHANGES.—If changes in Federal law are enacted that require revisions in the financial terms of the standard reinsurance agreement, and such changes in the agreement are made on a mandatory basis by the Corporation, such changes will not be deemed to be a renegotiation of the agreement for purposes of subparagraph (A).

''(C) CONSULTATION.—Approved insurance providers and their representatives may confer with each other, and collectively with the Corporation, during the renegotiation process under subparagraph (A).''.

(3) TREATMENT OF 2008 REINSURANCE YEAR.—Clause (ii) of section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the 2008 reinsurance year.

(e) CHANGE IN DUE DATE FOR ADMINISTRATIVE AND OPERATING EXPENSE PAYMENT.—Section 516(b) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)) is amended by adding at the end the following new paragraph:

''(3) DUE DATE FOR ADMINISTRATIVE AND OPERATING EXPENSE PAYMENT.—Beginning with the 2012 reinsurance year, the Corporation shall make payments pursuant to paragraph (1)(B) during October 2012, and for subsequent reinsurance years, every October thereafter.''.

(f) CONFORMING AMENDMENTS.—

(1) PREMIUM REDUCTION AUTHORITY.—Subsection 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(A) in paragraph (2) by striking ''paragraph (4)'' and inserting ''paragraph (3)'';

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) PREMIUM RATE REDUCTION PILOT PROGRAM.—Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(3) SUBMISSION OF POLICIES AND MATERIALS.—Section 508(h)(1)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(1)(A)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 11003. CATASTROPHIC RISK PROTECTION ADMINISTRATIVE FEE.

Section 508(b)(5)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(A)) is amended by striking ''$100 per crop per county'' and inserting in its place ''$200 per crop per county''.

SEC. 11004. FUNDING FOR REIMBURSEMENTS, CONTRACTING, RISK MANAGEMENT EDUCATION, AND INFORMATION TECHNOLOGY.

(a) FUNDING.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended by adding at the end the following new subsections:

''(d) FUNDING FOR REIMBURSEMENTS, CONTRACTING, RISK MANAGEMENT EDUCATION, AND INFORMATION TECHNOLOGY.—Of the amounts made available from the insurance fund established under subsection (c), the Corporation shall use not more than $30,000,000 in each fiscal year to carry out the following:

''(1) Reimbursement of research and development and maintenance costs described under section 522(b).

''(2) Research and development contracting described under section 522(c).

''(3) Partnerships for risk management and implementation described under section 522(d).

''(4) Education and information programs described in section 524(a)(2).

''(5) Partnerships for risk management education program described in section 524(a)(3).

''(6) Information technology, as determined by the Corporation.

''(e) UNDERSERVED STATES.—Of the amount made available under subsection (d), the Corporation shall use not more than $5,000,000 in each fiscal year to carry out contracting for research and development described in section 522(c)(1)(A).''

(b) CONFORMING AMENDMENTS.—

(1) FORMER FUNDING PROVISION.—Section 522 of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended by striking subsection (e) and inserting the following new subsection:

''(e) PROHIBITED RESEARCH AND DEVELOPMENT BY CORPORATION.—

''(1) NEW POLICIES.—Notwithstanding subsection (d), the Corporation shall not conduct research and development for any new policy for an agricultural commodity offered under this title.

''(2) EXISTING POLICIES.—Any policy developed by the Corporation under this title before October 1, 2000, may continue to be offered for sale to producers.''

(2) CROSS REFERENCE.—Section 523(c)(1) of the Federal Crop Insurance Act (7 U.S.C. 1523(c)(1)) is amended by striking ''section 522(e)(4)'' and inserting ''section 522(e)''.

(3) EDUCATION ASSISTANCE FUNDING.—Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended as follows:

(A) in paragraph (1), by striking ''paragraph (4)'' and inserting ''section 516(d)''; and

(B) by striking paragraph (4).

SEC. 11005. REIMBURSEMENT OF RESEARCH AND DEVELOPMENT COSTS RELATED TO NEW CROP INSURANCE PRODUCTS.

(a) REIMBURSEMENT AUTHORIZED.—Paragraph (1) of section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended to read as follows:

''(1) RESEARCH AND DEVELOPMENT REIMBURSEMENT.—The Corporation shall provide a payment to reimburse an applicant for research and development costs directly related to a policy that—

''(A) is submitted to the Board pursuant to an FCIC Reimbursement Grant under paragraph (7); or

''(B) is submitted to the Board and approved by the Board under section 508(h) for reinsurance and, if applicable, offered for sale to producers.''.

(b) FCIC REIMBURSEMENT GRANTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by adding at the end the following new paragraph:

''(7) FCIC REIMBURSEMENT GRANTS.—

''(A) GRANTS AUTHORIZED.—The Corporation shall provide FCIC Reimbursement Grants to persons proposing to prepare for submission to the Board crop insurance policies and provisions under subparagraphs (A) and (B) of section 508(h)(1), who apply and are approved for such FCIC Reimbursement Grants under the terms and conditions of this paragraph.

''(B) SUBMISSION OF APPLICATION.—The Board shall receive and consider applications for FCIC Reimbursement Grants at least once annually. An application to receive an FCIC Reimbursement Grant from the Corporation shall consist of such materials as the Board may require, including—

''(i) a concept paper that describes the proposal in sufficient detail for the Board to determine whether it satisfies the requirements of subparagraph (C);

''(ii) a summary of —

''(I) the need for the product, including an assessment of marketability and expected demand among affected producers;

''(II) support from producers, producer organizations, lenders, or other interested parties;

''(III) the impact the product would have on producers and on the crop insurance delivery system; and

''(IV) that no products are offered by the private sector providing the same benefits and risk management services as the proposal.

''(iii) a summary of data sources available demonstrating that the product can reasonably be developed and properly rated; and

''(iv) identification of the risks the proposed product will cover and that the risks are insurable under the Act

''(C) APPROVAL CONDITIONS.—Approval of an application for a FCIC Reimbursement Grant shall be by majority vote of the Board. The Board shall approve the application only if the Board finds that—

''(i) the proposal contained in the application—

''(I) provides coverage to a crop or region not traditionally served by the Federal crop insurance program;

''(II) provides crop insurance coverage in a significantly improved form;

''(III) addresses a recognized flaw or problem in the program;

''(IV) introduces a significant new concept or innovation to the program; or

''(V) provides coverage, benefits, or risk management services not available from the private sector;

''(ii) the applicant demonstrates the necessary qualifications to complete the project successfully in a timely manner with high quality;

''(iii) the proposal is in the interests of producers and can reasonably be expected to be actuarially appropriate;

''(iv) the Board determines that the Corporation has sufficient available funding to award the FCIC Reimbursement Grant; and

''(v) the proposed budget and timetable are reasonable.

''(D) PARTICIPATION.—In reviewing proposals under this paragraph, the Board may use the services of persons it deems appropriate for expert review. All proposals submitted under this paragraph will be treated as confidential in accordance with section 508(h)(4).

''(E) ENTERING INTO AGREEMENT.—Upon approval of the application, the Board shall enter into an agreement with the person for the development of a formal submission meeting the requirements for a complete submission established by the Board under section 508(h).

''(F) FEASIBILITY STUDIES.—In appropriate cases, the Corporation may structure the FCIC Reimbursement Grant to require, as an initial step within the overall process, the submitter to complete a feasibility study and report the results of such study to the Corporation prior to proceeding with further development. The Corporation may require such other reports as necessary to monitor the development efforts.

''(G) RATES.—Payment for work performed under this paragraph shall be based on rates determined by the Corporation for products submitted under section 508(h) of the Act or for those contracted by the Corporation under section 522(c) of the Act.

''(H) TERMINATION.—The Corporation or the submitter may terminate any FCIC Reimbursement Grant to reimburse expenses at any time for just cause. If the Corporation or the submitter terminates the FCIC Reimbursement Grant before final approval of the product covered thereby, the submitter shall be entitled to reimbursement of all costs incurred to that point, or, in the case of a fixed rate agreement, to payment of an appropriate percentage. If the submitter terminates development without just cause, the Corporation may deny reimbursement.

''(I) CONSIDERATION OF PRODUCTS.—The Board shall consider any product submitted to it developed under this paragraph under the rules it has established for products submitted under section 508(h) of this Act.''.

SEC. 11006. RESEARCH AND DEVELOPMENT CONTRACTS FOR ORGANIC PRODUCTION COVERAGE IMPROVEMENTS.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

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

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

''(10) CONTRACTS FOR ORGANIC PRODUCTION COVERAGE IMPROVEMENTS.—

''(A) CONTRACT REQUIRED.—Not later than 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Corporation shall enter into one or more contracts for the development of improvements in Federal crop insurance policies covering crops produced in compliance with standards issued by the Department of Agriculture under the National Organic Program.

''(B) REVIEW OF UNDERWRITING, RISK, AND LOSS EXPERIENCE.—

''(i) REVIEW REQUIRED.—A contract under subparagraph (A) shall include a review of the underwriting, risk, and loss experience of organic crops covered by the Corporation, as compared with the same crops produced in the same counties and during the same time periods using non-organic methods. The review should be designed to allow the Corporation to determine whether significant, consistent, or systemic variations in loss history exist between organic and non-organic production, and shall include the widest available range of data, including loss history under existing crop insurance policies, collected by the National Agricultural Statistics Service, and other sources of information.

''(ii) EFFECT ON PREMIUM SURCHARGE.—Unless the review under this subparagraph documents the existence of such significant, consistent, and systemic variations in loss history between organic and non-organic crops, either collectively or on an individual basis, the Corporation shall eliminate or reduce the premium surcharge that the Corporation charges for coverage for organic crops

''(C) ADDITIONAL PRICE ELECTION.—A contract under subparagraph (A) shall include the development of a procedure, including any associated changes in policy terms or materials required for implementation of the procedure, to offer producers of organic crops an additional price election that would reflect the actual retail or wholesale prices, as appropriate, received by organic producers for their crops, as established using data collected and maintained by the Agricultural Marketing Service or other sources. The development of the procedure shall be completed in a timely manner to allow the Corporation to begin offering the additional price election for organic crops with sufficient data for the 2009 crop year, and expand it thereafter as the Agricultural Marketing Service expands its data collection and availability for prices of organic crops.

''(D) REPORTING REQUIREMENTS.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on the progress made in developing and improving Federal crop insurance for organic crops, including the numbers and varieties of organic crops insured, the development of new insurance approaches, and the progress of the initiatives mandated under this paragraph. The report shall also include such recommendations as the Corporation considers appropriate regarding additional opportunities to improve Federal crop insurance coverage for such crops.''.

SEC. 11007. TARGETING RISK MANAGEMENT EDUCATION FOR BEGINNING FARMERS AND RANCHERS AND CERTAIN OTHER FARMERS AND RANCHERS.

Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) TARGETING RISK MANAGEMENT EDUCATION FOR CERTAIN FARMERS AND RANCHERS.—

''(A) IN GENERAL.—In carrying out the education and information program established under paragraph (2) and the partnerships for risk management education program under paragraph (3), the Secretary shall include a special emphasis on risk management strategies and education and outreach specifically targeted at farmers and ranchers described in subparagraph (B).

''(B) COVERED FARMERS AND RANCHERS.—Subparagraph (A) applies with respect to the following:

''(i) Beginning farmers and ranchers.

''(ii) Immigrant farmers and ranchers who are attempting to become established producers in the United States.

''(iii) Socially disadvantaged farmers and ranchers.

''(iv) Farmers and ranchers who are preparing to retire and are using transition strategies to help new farmers and ranchers get started.

''(v) Farmers and ranchers who are converting their current production and marketing systems to pursue new markets.''.

SEC. 11008. CROP INSURANCE INELIGIBILITY RELATED TO CROP PRODUCTION ON NONCROPLAND.

Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502) is amended by adding at the end the following new subsection:

''(e) CROP INSURANCE INELIGIBILITY RELATED TO CROP PRODUCTION ON NONCROPLAND.—

''(1) NONCROPLAND DEFINED.—In this subsection, the term 'noncropland' means native grassland and pasture the Secretary determines has never been used for crop production

''(2) INELIGIBILITY.—Noncropland acreage on which an agricultural commodity for which a policy or plan of insurance is available under this title is planted shall be ineligible for crop insurance under this title for the first 4 years of planting, as determined by the Secretary.

''(3) YIELD DETERMINATION BASED ON COUNTY ACTUAL PRODUCTION HISTORY.—

''(A) IN GENERAL.—If an agricultural commodity ineligible for insurance as described in paragraph (2) is planted for 4 years, beginning with the fifth year in which the commodity is planted, the producer of the commodity may procure crop insurance for the commodity under this title. The yield for such crop insurance shall be determined only—

''(i) by using the actual production history for the farm; and

''(ii) for each year in which the farm does not have an actual production history, by using the average actual production history for the commodity in the county in which the farm is located.

''(B) EXCEPTION.—If an agricultural commodity is planted on noncropland acreage and is eligible for insurance as provided in paragraph (2), then the yield for such crop insurance shall be determined only—

''(i) by using the actual production history for the farm; and

''(ii) for each year in which the farm does not have an actual production history, by using the average actual production history for the commodity in the county in which the farm is located.

''(4) EFFECTIVE DATE.—This subsection shall apply to crop years following the 2007 crop year.''.

SEC. 11009. FUNDS FOR DATA MINING.

Section 515(k) of the Federal Crop Insurance Act (7 U.S.C. 1515(k)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) AVAILABLE FUNDS.—To carry out this section, the Corporation may use, from amounts made available from the insurance fund established under section 516(c)—

''(A) not more that $11,000,000 during fiscal year 2008; and

''(B) not more than $7,000,000 during fiscal year 2009 and each subsequent year thereafter.''.

SEC. 11010. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(k)(1) of the Agricultural Market Transition Act (7 U.S.C. 7333(k)(1)) is amended

by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) $200 per crop per county; or

''(B) $600 per producer per county, but not to exceed a total of $1,800 per producer.''.

SEC. 11011. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Effective beginning with the 2011 reinsurance year, the Federal Crop Insurance Corporation shall make payments for underwriting gains under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)—

(1) for the 2011 reinsurance year on October 1, 2012; and

(2) for each reinsurance year thereafter on the October 1 of the next calendar year.

SEC. 11012. SESAME INSURANCE PILOT PROGRAM.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Agriculture shall establish and carry out a pilot program under which a producer of non-dehiscent sesame under contract may elect to obtain multi-peril crop insurance, as determined by the Secretary.

(b) TERMS AND CONDITIONS.—The multi-peril crop insurance offered under the sesame insurance pilot program shall—

(1) be offered through reinsurance arrangements with private insurance companies;

(2) be actuarially sound; and

(3) require the payment of premiums and administrative fees by a producer obtaining the insurance.

(c) LOCATION.—The sesame insurance pilot program shall be carried out only in the State of Texas.

(d) RELATION TO PROHIBITION ON RESEARCH AND DEVELOPMENT BY CORPORATION.—Section 522(e)(4) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)(4)) shall apply with respect to the sesame insurance pilot program.

(e) DURATION.—The Secretary shall commence the sesame insurance pilot program as soon as practicable after the date of the enactment of this Act and continue the program through the 2012 crop year.

Subtitle B—Livestock and Poultry

SEC. 11101. SENSE OF CONGRESS REGARDING PSEUDORABIES ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the Secretary should recognize the threat feral swine pose to the domestic swine population;

(2) keeping the United States commercial swine herd free of pseudorabies is essential to maintaining and growing pork export markets;

(3) the establishment of a swine surveillance system will assist the swine industry in the monitoring, surveillance, and eradication of pseudorabies; and

(4) pseudorabies eradication is a high priority that the Secretary should carry out under the authorities of the Animal Health Protection Act.

SEC. 11102. ARBITRATION OF LIVESTOCK AND POULTRY CONTRACTS.

The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(1) by redesignating section 416 as section 417; and

(2) by inserting after section 415 the following new section:

''SEC. 416. ARBITRATION OF LIVESTOCK AND POULTRY CONTRACTS.

''(a) ISSUANCE OF REGULATIONS.—The Secretary of Agriculture shall promulgate regulations to establish standards related to the inclusion of arbitration provisions in livestock and poultry production contracts.

''(b) CONTENT.—Such regulations shall—

''(1) establish permissible agreements with respect to venue of arbitration, allocation of arbitration costs, number and appointment of arbitrators, and any other element of an arbitration agreement that the Secretary determines to be necessary;

''(2) permit a producer to seek relief in a small claims court in lieu of arbitration for disputes or claims within the jurisdiction of a small claims court, despite the existence of an arbitration agreement; and

''(3) require any person appointed or to be appointed as an arbitrator to disclose any circumstance likely to raise doubt as to the arbitrator's impartiality.''.

SEC. 11103. STATE-INSPECTED MEAT AND POULTRY.

(a) REVIEW OF STATE MEAT AND POULTRY INSPECTION PROGRAMS.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report containing the results of a review by the Secretary of each State meat and poultry inspection program. Such report shall include—

(A) a determination of the effectiveness of each State meat and poultry inspection program; and

(B) an identification of changes that are necessary to enable future transition to a State program of enforcing Federal inspection requirements as described in the amendments made by subsections (b) and (c).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(B) AVAILABLE FUNDS.—Notwithstanding any other provision of law, only funds specifically appropriated under subparagraph (A) may be used to carry out this subsection.

(b) STATE MEAT INSPECTION PROGRAMS.—

(1) IN GENERAL.—Title III of the Federal Meat Inspection Act (21 U.S.C. 661 et seq.) is amended to read as follows:

''TITLE III—STATE MEAT INSPECTION PROGRAMS

''SEC. 301. POLICY AND FINDINGS.

''(a) POLICY.—It is the policy of Congress to protect the public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

''(b) 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, State and Federal 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.

''SEC. 302. APPROVAL OF STATE MEAT INSPECTION PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State meat inspection program and allow the shipment in commerce of carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program in accordance with this title.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To receive or maintain approval from the Secretary for a State meat inspection program in accordance with subsection (a), a State shall—

''(A) implement a State meat inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of titles I, II, and IV (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those titles); and

''(B) enter into a cooperative agreement with the Secretary in accordance with subsection (c).

''(2) ADDITIONAL REQUIREMENTS.—

''(A) IN GENERAL.—In addition to the requirements described in paragraph (1), a State meat inspection program reviewed in accordance with section 11103(a) of the Farm, Nutrition, and Bioenergy Act of 2007 shall implement, not later than 180 days after the date on which the report is submitted under subsection (b) of such section, all recommendations from the review, in a manner approved by the Secretary.

''(B) REVIEW OF NEW STATE MEAT INSPECTION PROGRAMS.—

''(i) REVIEW REQUIREMENT.—Not later than one year after the date on which the Secretary approves a new State meat inspection program, the Secretary shall conduct a review of the new State meat inspection program, which shall include—

''(I) a determination of the effectiveness of the new State meat inspection program; and

''(II) identification of changes necessary to ensure enforcement of Federal inspection requirements.

''(ii) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements described in paragraph (1), to continue to be an approved State meat inspection program, a new State meat inspection program shall implement all recommendations from the review conducted in accordance with this subparagraph, in a manner approved by the Secretary.

''(iii) DEFINITION OF NEW STATE MEAT INSPECTION PROGRAM.—In this subparagraph, the term 'new State meat inspection program' means a State meat inspection program that is not approved in accordance with subsection (a) between the effective date of the Farm, Nutrition, and Bioenergy Act of 2007 and the date that is one year after the effective date of such Act.

''(c) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that—

''(1) establishes the terms governing the relationship between the Secretary and the State meat inspection program;

''(2) provides that the State will adopt (including adoption by reference) provisions identical to titles I, II, and IV (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those titles);

''(3) provides that State-inspected and passed meat and meat food products shall be marked with a mark of State inspection, which shall be deemed to be an official mark, in accordance with requirements issued by the Secretary;

''(4) provides that the State will comply with all labeling requirements issued by the Secretary governing meat and meat food products inspected under the State meat inspection program;

''(5) provides that the Secretary shall have authority—

''(A) to detain and seize livestock, carcasses, parts of carcasses, meat, and meat food products under the State meat inspection program;

''(B) to obtain access to facilities, records, livestock, carcasses, parts of carcasses, meat, and meat food products of any person, firm, or corporation that slaughters, processes, handles, stores, transports, or sells meat or meat food products inspected under the State meat inspection program to determine compliance with this Act (including the regulations issued under this Act); and

''(C) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act); and

''(6) includes such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State meat inspection program are consistent with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act).

''(d) RESTRICTION ON ESTABLISHMENT SIZE.—After the date that is 90 days after the effective

date of the Farm, Nutrition, and Bioenergy Act of 2007, establishments with more than 50 employees may not be accepted into a State meat inspection program. Any establishment that is subject to state inspection on such date, may remain subject to State inspection.

''(e) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse a State for not more than 50 percent of the State's costs of meeting the Federal requirements for the State meat inspection program.

''(f) SAMPLING.—A duly authorized representative of the Secretary shall be afforded access to State inspected establishments to take reasonable samples of the inventory of such establishments upon payment of the fair market value therefor.

''(g) NONCOMPLIANCE.—If the Secretary determines that a State meat inspection program does not comply with this title or the cooperative agreement under subsection (c), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the carcasses, parts of carcasses, meat, and meat food products in the State are inspected in a manner that effectuates this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act).

''SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPECTION PROGRAMS.

''(a) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 302(c) and is considering the revocation or temporary suspension of the approval of the State meat inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

''(b) SUSPENSION AND REVOCATION.—

''(1) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State meat inspection program and take over a State meat inspection program if the Secretary determines that the State meat inspection program is not in compliance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 302(c).

''(2) PROCEDURES FOR REINSTATEMENT.—A State meat inspection program that has been the subject of a revocation may be reinstated as an approved State meat inspection program under this Act only in accordance with the procedures under section 302(b)(2)(B).

''(c) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State meat inspection program in accordance with subsection (b), the Secretary shall publish notice of the revocation or temporary suspension under that subsection in the Federal Register.

''(d) INSPECTION OF ESTABLISHMENTS.—Not later than 30 days after the date of publication of a determination under subsection (c), an establishment subject to a State meat inspection program with respect to which the Secretary makes a determination under subsection (b) shall be inspected by the Secretary.

''SEC. 304. EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED ESTABLISHMENTS.

''Notwithstanding any other provision of this title, if the Secretary determines that an establishment operating under a State meat inspection program is not operating in accordance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 302(c), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements) and the cooperative agreement with respect to the establishment.

''SEC. 305. ANNUAL REVIEW.

''(a) IN GENERAL.—The Secretary shall develop and implement a process to annually review each State meat inspection program approved under this title and to certify the State meat inspection programs that comply with the cooperative agreement entered into with the State under section 302(c).

''(b) COMMENT FROM INTERESTED PARTIES.—In developing the review process described in subsection (a), the Secretary shall solicit comment from interested parties.

''SEC. 306. FEDERAL INSPECTION OPTION.

''(a) IN GENERAL.—An establishment that operates in a State with an approved State meat inspection program may apply for inspection under the State meat inspection program or for Federal inspection.

''(b) LIMITATION.—An establishment shall not make an application under subsection (a) more than once every four years.''.

(2) RESTAURANTS AND RETAIL STORES.—Title IV of the Federal Meat Inspection Act is amended—

(A) by redesignating section 411 (21 U.S.C. 681) as section 414; and

(B) by inserting after section 410 (21 U.S.C. 680) the following:

''SEC. 411. RESTAURANTS AND RETAIL STORES.

''(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts of carcasses, meat, and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, as determined by the Secretary, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

''(b) CENTRAL KITCHEN FACILITIES.—

''(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares meat or meat food products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person, firm, or corporation that owns or operates the facility.

''(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 202 and may be subject to the inspection requirements of title I for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the meat or meat food products of the facility are rendered adulterated.

''SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF MEAT AND MEAT FOOD PRODUCTS.

''Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of meat or meat food products that have been inspected and passed in accordance with this Act for interstate commerce.

''SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

''The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act.''.

(c) STATE POULTRY INSPECTION PROGRAMS.—

(1) IN GENERAL.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by striking section 5 and inserting the following:

''SEC. 5. STATE POULTRY INSPECTION PROGRAMS.

''(a) POLICY.—It is the policy of Congress to protect the public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

''(b) FINDINGS.—Congress finds that—

''(1) the goal of a safe and wholesome supply of poultry products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all poultry products, whether produced under State inspection or Federal inspection;

''(2) under such a system, State and Federal poultry 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 poultry inspection programs, which should help to foster the viability of small official establishments.

''(c) APPROVAL OF STATE POULTRY INSPECTION PROGRAMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State poultry inspection program and allow the shipment in commerce of poultry products inspected under the State poultry inspection program in accordance with this section and section 5A.

''(2) ELIGIBILITY.—

''(A) IN GENERAL.—To receive or maintain approval from the Secretary for a State poultry inspection program in accordance with paragraph (1), a State shall—

''(i) implement a State poultry inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of sections 1 through 4 and 6 through 33 (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those sections); and

''(ii) enter into a cooperative agreement with the Secretary in accordance with paragraph (3).

''(B) ADDITIONAL REQUIREMENTS.—

''(i) IN GENERAL.—In addition to the requirements described in subparagraph (A), a State poultry inspection program reviewed in accordance with section 11103(a) of the Farm, Nutrition, and Bioenergy Act of 2007 shall implement, not later 180 days after the date on which the report is submitted under subsection (b) of such section, all recommendations from the review, in a manner approved by the Secretary.

''(ii) REVIEW OF NEW STATE POULTRY INSPECTION PROGRAMS.—

''(I) REVIEW REQUIREMENT.—Not later than one year after the date on which the Secretary approves a new State poultry inspection program, the Secretary shall conduct a review of the new State poultry inspection program, which shall include—

''(aa) a determination of the effectiveness of the new State poultry inspection program; and

''(bb) identification of changes necessary to ensure enforcement of Federal inspection requirements.

''(II) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements described in subparagraph (A), to continue to be an approved State poultry inspection program, a new State poultry inspection program shall implement all recommendations from the review conducted in accordance with this clause, in a manner approved by the Secretary.

''(III) DEFINITION OF NEW STATE POULTRY INSPECTION PROGRAM.—In this clause, the term 'new State poultry inspection program' means a State poultry inspection program that is not approved in accordance with paragraph (1) between the effective date of the Farm, Nutrition,

and Bioenergy Act of 2007 and the date that is one year after the effective date of such Act.

''(3) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that—

''(A) establishes the terms governing the relationship between the Secretary and the State poultry inspection program;

''(B) provides that the State will adopt (including adoption by reference) provisions identical to sections 1 through 4 and 6 through 33 (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those sections);

''(C) provides that State-inspected and passed poultry products may be marked with the mark of State inspection, which shall be deemed to be an official mark, in accordance with requirements issued by the Secretary;

''(D) provides that the State will comply with all labeling requirements issued by the Secretary governing poultry products inspected under the State poultry inspection program;

''(E) provides that the Secretary shall have authority—

''(i) to detain and seize poultry and poultry products under the State poultry inspection program;

''(ii) to obtain access to facilities, records, and poultry products of any person that slaughters, processes, handles, stores, transports, or sells poultry products inspected under the State poultry inspection program to determine compliance with this Act (including the regulations issued under this Act); and

''(iii) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act); and

''(F) includes such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State poultry inspection program are consistent with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act).

''(4) RESTRICTION ON ESTABLISHMENT SIZE.—After the date that is 90 days after the effective date of the Farm, Nutrition, and Bioenergy Act of 2007, establishments with more than 50 employees may not be accepted into a State meat inspection program. Any establishment that is subject to state inspection on such date may remain subject to state inspection.

''(5) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse a State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State poultry inspection program.

''(6) SAMPLING.—A duly authorized representative of the Secretary shall be afforded access to State inspected establishments to take reasonable samples of their inventory upon payment of the fair market value therefor.

''(7) NONCOMPLIANCE.—If the Secretary determines that a State poultry inspection program does not comply with this section, section 5A, or the cooperative agreement under paragraph (3), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the poultry products in the State are inspected in a manner that effectuates this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act).

''(d) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall develop and implement a process to annually review each State poultry inspection program approved under this section and to certify the State poultry inspection programs that comply with the cooperative agreement entered into with the State under subsection (c)(3).

''(2) COMMENT FROM INTERESTED PARTIES.—In developing the review process described in paragraph (1), the Secretary shall solicit comment from interested parties.

''(e) FEDERAL INSPECTION OPTION.—

''(1) IN GENERAL.—An official establishment that operates in a State with an approved State poultry inspection program may apply for inspection under the State poultry inspection program or for Federal inspection.

''(2) LIMITATION.—An official establishment shall not make an application under paragraph (1) more than once every 4 years.

"SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION ACTIVITIES.

''(a) AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION PROGRAMS.—

''(1) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 5(c)(3) and is considering the revocation or temporary suspension of the approval of the State poultry inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

''(2) SUSPENSION AND REVOCATION.—

''(A) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State poultry inspection program and take over a State poultry inspection program if the Secretary determines that the State poultry inspection program is not in compliance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement.

''(B) PROCEDURES FOR REINSTATEMENT.—A State poultry inspection program that has been the subject of a revocation may be reinstated as an approved State poultry inspection program under this Act only in accordance with the procedures under section 5(c)(2)(B)(ii).

''(3) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State poultry inspection program in accordance with paragraph (2), the Secretary shall publish notice of the revocation or temporary suspension under that paragraph in the Federal Register.

''(4) INSPECTION OF ESTABLISHMENTS.—Not later than 30 days after the date of publication of a determination under paragraph (3), an official establishment subject to a State poultry inspection program with respect to which the Secretary makes a determination under paragraph (2) shall be inspected by the Secretary.

''(b) EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED OFFICIAL ESTABLISHMENTS.—Notwithstanding any other provision of this title, if the Secretary determines that an official establishment operating under a State poultry inspection program is not operating in accordance with this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under this Act) or the cooperative agreement under section 5(c)(3), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the official establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations, directives, notices, policy memoranda, and other regulatory requirements) and the cooperative agreement with respect to the official establishment.''.

(2) RESTAURANTS AND RETAIL STORES, ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS, AND ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by inserting after section 30 the following:

"SEC. 31. RESTAURANTS AND RETAIL STORES.

''(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

''(b) CENTRAL KITCHEN FACILITIES.—

''(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares poultry products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person that owns or operates the facility.

''(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 11(b) and may be subject to the inspection requirements of this Act for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the poultry products of the facility are rendered adulterated.

"SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS.

''Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of poultry products that have been inspected and passed in accordance with this Act for interstate commerce.

"SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

''The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act''.

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendments made by subsections (b) and (c).

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this Act shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 11104. COUNTRY OF ORIGIN LABELING.

Subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.) is amended—

(1) in section 281(2)(A)—

(A) in clause (v) by striking ''and'';

(B) in clause (vi), by striking ''peanuts.'' and inserting ''peanuts; and''; and

(C) by adding at the end the following new clause:

''(vii) meat produced from goats.'';

(2) in section 282—

(A) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

''(2) DESIGNATION OF COUNTRY OF ORIGIN FOR BEEF, LAMB, PORK, AND GOAT.—

''(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

''(i) exclusively born, raised, and slaughtered in the United States; or

''(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States.

''(B) MULTIPLE COUNTRIES OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat that is derived from an animal that is—

''(i) not exclusively born, raised, and slaughtered in the United States,

''(ii) born, raised, or slaughtered in the United States, and

''(iii) not imported into the United States for immediate slaughter,

may designate the country of origin of such covered commodity as all of the countries in which the animal may have been born, raised, or slaughtered.

''(C) IMPORTED FOR IMMEDIATE SLAUGHTER.—A retailer of a covered commodity that is beef, lamb, pork, or goat that is derived from an animal that is imported into the United States for immediate slaughter must designate the origin of such covered commodity as—

''(i) the country from which the animal was imported; and

''(ii) the United States.

''(D) FOREIGN COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat that is derived from an animal that is not born, raised, or slaughtered in the United States must designate a country other than the United States as the country of origin of such commodity.

''(E) GROUND BEEF, PORK, AND LAMB.—The notice of country of origin for ground beef, ground pork, or ground lamb shall include—

''(i) a list of all countries of origin of such ground beef, ground pork, or ground lamb; or

''(ii) a list of all reasonably possible countries of origin of such ground beef, ground pork, or ground lamb.

''(3) DESIGNATION OF COUNTRY OF ORIGIN FOR FISH.—

''(A) IN GENERAL.—A retailer of a covered commodity that is farm-raised fish or wild fish may designate the covered commodity as having a United States country of origin only if the covered commodity—

''(i) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

''(ii) in the case of wild fish, is—

''(I) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

''(II) processed in the United States, a territory of the United States, or a State, including the waters thereof.

''(B) DESIGNATION OF 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.

''(4) DESIGNATION OF PERISHABLE AGRICULTURAL COMMODITIES AND PEANUTS.—A retailer of a covered commodity that is a perishable agricultural commodity or peanut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.''; and

(B) by striking subsection (d) and inserting the following:

''(d) AUDIT VERIFICATION SYSTEM.—

''(1) IN GENERAL.—The Secretary may conduct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance with this subtitle (including the regulations promulgated under section 284(b)).

''(2) RECORD REQUIREMENTS.—

''(A) IN GENERAL.—A person subject to an audit under paragraph (1) shall provide the Secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of such person, including animal health papers, import or customs documents, or producer affidavits, may serve as such verification.

''(B) PROHIBITION ON REQUIREMENT OF ADDITIONAL RECORDS.—The Secretary may not require a person that prepares, stores, handles, or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those maintained in the course of the normal conduct of the business of such person.'';

(3) in section 283—

(A) by striking subsections (a) and (c);

(B) by redesignating subsection (b) subsection (a);

(C) in subsection (a) (as so redesignated), by striking ''retailer'' and inserting ''retailer or person engaged in the business of supplying a covered commodity to a retailer''; and

(D) by adding at the end the following new subsection:

''(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

''(1) not made a good faith effort to comply with section 282, and

''(2) continues to willfully violate section 282 with respect to the violation about which the retailer or person received notification under subsection (a)(1),

after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or person in an amount of not more than $1,000 for each violation.''; and

(4) in section 285—

(A) by striking ''This subtitle'' and inserting ''(a) IN GENERAL.—Subject to subsection (b), this subtitle''; and

(B) by adding at the end the following new subsection:

''(b) ANIMALS IN THE UNITED STATES ON JANUARY 1, 2008.—Notwithstanding subsection (a), this subtitle shall not apply to a covered commodity that is derived from an animal that is in the United States on January 1, 2008.''.

SEC. 11105. SENSE OF CONGRESS REGARDING STATE INSPECTED MEAT AND POULTRY PRODUCTS.

It is the sense of Congress that—

(1) the food supply in the United States continues to be the safest in the world;

(2) State inspected meat and poultry products are safe and wholesome, and should be available to consumers nationwide to increase the economic viability of small establishments and allow States to broadly market their products; and

(3) the Federal and State meat and poultry inspection systems should function seamlessly to ensure food safety and inspire consumer confidence in the food supply.

SEC. 11106. SENSE OF CONGRESS REGARDING THE VOLUNTARY CONTROL PROGRAM FOR LOW PATHOGENIC AVIAN INFLUENZA.

It is the sense of Congress that—

(1) the voluntary control program for low pathogenic avian influenza is a critical component of the animal health protection system of the United States, as well as a safeguard against highly pathogenic avian influenza; and

(2) the Secretary of Agriculture has appropriately provided for the payment of compensation to owners of poultry and cooperating State agencies of 100 percent of eligible costs, and the Secretary should continue to provide such payments at 100 percent of such costs.

SEC. 11107. SENSE OF CONGRESS REGARDING THE CATTLE FEVER TICK ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the cattle fever tick and the southern cattle tick are vectors of the causal agent of babesiosis, a severe and often fatal disease of cattle; and

(2) implementing a national strategic plan for the cattle fever tick eradication program is a high priority that the secretary should carry out in order to—

(A) prevent the entry of cattle fever ticks into the United States;

(B) enhance and maintain an effective surveillance program to rapidly detect any cattle fever tick incursions; and

(C) research, identify, and procure the tools and knowledge necessary to prevent and eradicate cattle fever ticks in the United States.

Subtitle C—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 11201. OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND LIMITED RESOURCE FARMERS AND RANCHERS.

(a) IN GENERAL.—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following new paragraph:

''(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall be used—

''(A) to enhance coordination of the outreach, technical assistance, and education efforts authorized under agriculture programs; and

''(B) to assist the Secretary in—

''(i) reaching socially disadvantaged or limited resource farmers and ranchers and prospective socially disadvantaged or limited resource farmers and ranchers in an appropriate manner; and

''(ii) improving the participation of those farmers and rancher in Department programs, as determined under section 2501A.'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''entity to provide information'' and inserting ''entity that has demonstrated an ability to carry out the requirements described in paragraph (2) to provide outreach''; and

(ii) by adding at the end the following new subparagraphs:

''(D) ADDITIONAL CONTRACTING AUTHORITY.—

''(i) IN GENERAL.—Any agency of the Department of Agriculture may make grants and enter into contracts and cooperative agreements with a community-based organization that meets the definition of an eligible entity under subsection (e) in order to utilize the community-based organization to provide outreach and technical assistance.

''(ii) MATCHING FUNDS.—As a condition of any grant made, or any contract or any cooperative agreement entered into under this subparagraph, the Secretary shall require the eligible entity to match not less than 25 percent of the total amount of the funds provided by the grant, contract, or cooperative agreement.

''(E) 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, and make publicly available, an annual report that includes a list of the following:

''(i) The recipients of funds made available under the program.

''(ii) The activities undertaken and services provided.

''(iii) The number of producers served and outcomes of such service.

''(iv) The problems and barriers identified by entities in trying to increase participation by socially disadvantaged farmers and ranchers.''; and

(C) in paragraph (4)—

(i) by striking subparagraph (A), and inserting the following new subparagraph:

''(A) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $15,000,000 for each of the fiscal years 2008 through 2012 to carry out this subsection.'';

(ii) in subparagraph (B), by striking ''authorized to be appropriated under subparagraph (A)'' and inserting ''made available under subparagraph (A)''; and

(iii) by adding at the end the following new subparagraph:

''(C) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available under subparagraph (A) for a fiscal year may be used for expenses related to administering the program under this section.''; and

(2) in subsection (e)(5)(A)(ii)—

(A) by inserting ''and on behalf of'' before ''socially''; and

(B) by striking ''2-year'' and inserting ''3-year''.

(b) COORDINATION WITH OUTREACH.—

(1) IN GENERAL.—Not more than 18 months after the date of enactment of this Act, the Secretary shall develop a plan to join and relocate—

(A) the outreach and technical assistance program established under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

(B) the Office of Outreach of the Department of Agriculture.

(2) REPORT.—After the relocation described in this subsection is completed, the Secretary shall submit to Congress a report that include information describing the new location of the program.

SEC. 11202. IMPROVED PROGRAM DELIVERY BY DEPARTMENT OF AGRICULTURE ON INDIAN RESERVATIONS.

Section 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)) is amended—

(1) in the first sentence, by striking ''where there is a demonstrated demand for service'' after ''offices''; and

(2) by striking the second sentence.

SEC. 11203. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by striking subsection (c) and inserting the following new subsections:

''(c) COMPILATION OF PROGRAM PARTICIPATION DATA.—

''(1) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary of Agriculture (referred to in this section as the 'Secretary') shall annually compile program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners—

''(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

''(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

''(2) AUTHORITY TO COLLECT DATA.—The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary any data, including data on race, gender, and ethnicity, that the Secretary determines to be necessary to carry out paragraph (1).

''(3) REPORT.—Using the technologies and systems of the National Agricultural Statistics Service, the Secretary shall compile and present the data compiled under paragraph (1) for each program described in that paragraph in a manner that includes the raw numbers and participation rates for—

''(A) the entire United States;

''(B) each State; and

''(C) each county in each State.

''(4) PUBLIC AVAILABILITY OF REPORT.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, the report described in paragraph (3).

''(d) LIMITATIONS ON USE OF DATA.—

''(1) PRIVACY PROTECTIONS.—In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.

''(2) AUTHORIZED USES.—The data under this section shall be used exclusively for the purposes described in subsection (a).

''(3) LIMITATION.—Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.''.

SEC. 11204. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended by striking subsection (h) and inserting the following new subsection:

''(h) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $15,000,000 for each of the fiscal years 2008 through 2012 to carry out this section.''.

SEC. 11205. PROVISION OF RECEIPT FOR SERVICE OR DENIAL OF SERVICE.

In any case in which a producer or landowner, or prospective producer or landowner, requests from the Department of Agriculture any benefit or service offered by the Department to agricultural producers or landowners, the Secretary of Agriculture shall provide for the issuance, on the date on which the producer or landowner, or prospective producer or landowner, makes the request, a receipt containing—

(1) the date, place, and subject of the request; and

(2) the action taken, not taken, or recommendations made in response to the request.

SEC. 11206. TRACKING OF SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND LIMITED RESOURCE FARMERS AND RANCHERS IN CENSUS OF AGRICULTURE AND CERTAIN STUDIES.

The Secretary of Agriculture shall ensure, to the maximum extent practicable, that the Census of Agriculture and studies carried out by the Economic Research Service accurately document the number, location, and economic contributions of socially disadvantaged farmers and ranchers and limited resource farmers and ranchers in agricultural production.

SEC. 11207. FARMWORKER COORDINATOR.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the position of Farmworker Coordinator (in this section referred to as the ''Coordinator''), which shall be located in the Office of Outreach of the Department of Agriculture.

(b) DUTIES.—The Secretary may delegate to the Coordinator responsibility for any or all of the following:

(1) Assisting in administering the program established by section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).

(2) Serving as a liaison to community-based non-profit organizations that represent, and have demonstrated experience serving, low-income migrant and seasonal farmworkers.

(3) Coordinating with the Department of Agriculture and State and local governments to assure that farmworker needs are assessed and met during declared disasters and other emergencies.

(4) Consulting with the Office of Small Farm Coordination, Office of Outreach, Outreach Coordinators, and other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department.

(5) Consulting with Hispanic-serving institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

(5) Assuring that farmworkers have access to services and support to enter agriculture as producers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 11208. OFFICE OF OUTREACH RELOCATION.

(a) RELOCATION PROPOSAL.—Not more than 18 months after the date of enactment of the Act, the Secretary shall develop a proposal to relocate the Office of Outreach of the Department of Agriculture.

(b) ADMINISTRATION.—The Office of Outreach shall be responsible for the administration of—

(1) the outreach and technical assistance program established under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

(2) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

SEC. 11209. MINORITY FARMER ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall establish an advisory committee, to be known as the ''Advisory Committee on Minority Farmers'' (in this section referred to as the ''Committee''), which shall be overseen by the Office of Outreach of the Department of Agriculture.

(b) DUTIES.—The Committee shall—

(1) review all civil rights cases to ensure that they are processed in a timely manner;

(2) ensure that the processing of civil rights cases complies with applicable laws;

(3) report quarterly to the Secretary of Agriculture on civil rights enforcement and outreach;

(4) monitor and annually report to Congress on compliance with all civil rights and related laws by all agencies and under all programs of the Department;

(5) recommend to the Secretary corrective actions to prevent civil rights violations; and

(6) review the operations of the outreach and technical assistance program established under section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279).

(c) MEMBERSHIP OF COMMITTEE.—The Committee shall be composed of the following:

(1) Three members appointed by the Secretary.

(2) Two members appointed by the chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking member of the Committee.

(3) Two members appointed by the chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking member of the Committee.

(4) A civil rights professional.

(5) A socially disadvantaged farmer or rancher.

(6) Such other persons or professionals as determined by the Secretary to be appropriate.

SEC. 11210. COORDINATOR FOR CHRONICALLY UNDERSERVED RURAL AREAS.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a Coordinator for Chronically Underserved Rural Areas (in this section referred to as the ''Coordinator''), to be located in the Office of Outreach of the Department of Agriculture.

(b) MISSION.—The mission of the Coordinator shall be to direct Department of Agriculture resources to high need, high poverty rural areas.

(c) DUTIES.—The Coordinator shall consult with other offices in directing technical assistance, strategic regional planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

Subtitle D—Other Miscellaneous Provisions

SEC. 11301. DESIGNATION OF SEPARATE COTTON-PRODUCING STATES UNDER COTTON RESEARCH AND PROMOTION ACT.

Section 17(f) of the Cotton Research and Promotion Act (7 U.S.C. 2116(f)) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, effective beginning with the 2008 crop of cotton, the States of Kansas, Virginia, and Florida shall each be deemed to be a separate cotton-producing State for the purposes of this Act.''.

SEC. 11302. COTTON CLASSIFICATION SERVICES.

(a) EXTENSION.—The first sentence of section 3a of the Act of March 3, 1927 (commonly known

as the Cotton Statistics and Estimates Act; 7 U.S.C. 473a), is amended by striking ''2007'' and inserting ''2012''.

(b) ESTABLISHMENT OF OFFICES.—The second sentence of section 3a of the Act of March 3, 1927, is amended in the proviso—

(1) by striking ''and'' at the end of clause (6);

(2) by striking the period at the end of clause (7) and inserting ''; and''; and

(3) by adding at the end the following new clause: ''(8) the Secretary may enter into long-term lease agreements that exceed five years or may take title to property, including through purchase agreements, for the purposes of obtaining offices to be used for the classification of cotton in accordance with this Act if the Secretary determines such action would best effectuate the purposes of this Act.''.

SEC. 11303. AVAILABILITY OF EXCESS AND SURPLUS COMPUTERS IN RURAL AREAS.

The Secretary of Agriculture may make available to any city or town located in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act) excess or surplus computers or other technical equipment of the Department of Agriculture.

SEC. 11304. PERMANENT DEBARMENT FROM PARTICIPATION IN DEPARTMENT OF AGRICULTURE PROGRAMS FOR FRAUD.

The Secretary of Agriculture is hereby granted the authority to permanently debar an individual, organization, corporation, or other entity convicted of knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in Department of Agriculture programs.

SEC. 11305. NO DISCRIMINATION AGAINST USE OF REGISTERED PESTICIDE PRODUCTS OR CLASSES OF PESTICIDE PRODUCTS.

In establishing priorities and evaluation criteria for the approval of plans, contracts, and agreements under title II, the Secretary of Agriculture shall not discriminate against the use of specific registered pesticide products or classes of pesticide products.

SEC. 11306. PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY, RURAL DEVELOPMENT AGENCY, AND NATURAL RESOURCES CONSERVATION SERVICE.

Until the date that is one year after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency, Rural Development Agency, or Natural Resources Conservation Service of the Department of Agriculture.

SEC. 11308. REGULATION OF EXPORTS OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, AND NOXIOUS WEEDS.

(a) IN GENERAL.—Subtitle A of title IV of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7701 et seq. is amended by adding at the end the following new section:

''SEC. 420. REGULATION OF EXPORTS OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, AND NOXIOUS WEEDS.

''(a) IN GENERAL.—The Secretary may regulate plants, plant products, biological control organisms, and noxious weeds for export purposes.

''(b) DUTIES.—The Secretary shall—

''(1) coordinate fruit and vegetable market analyses with the private sector and the Administrator of Foreign Agricultural Service; and

''(2) make publicly available on an Internet website—

''(A) the status of all export petitions;

''(B) to the greatest extent possible, an explanation of the sanitary or phytosanitary issues associated with teach pending export petition; and

''(C) to the greatest extent possible, information on the import requirements of foreign countries for fruits and vegetables.

''(c) REGULATIONS.—The Secretary may issue regulations to implement this section.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of such Act (7 U.S.C. 1501 note) is amended by inserting after the item relating to section 419 the following new item:

''Sec. 420. Regulation of exports of plants, plant products, biological control organisms, and noxious weeds.''.

SEC. 11309. GRANTS TO REDUCE PRODUCTION OF METHAMPHETAMINES FROM ANHYDROUS AMMONIA.

(a) GRANT AUTHORITY.—The Secretary of Agriculture may make a grant to an eligible entity to enable the entity to obtain and add to an anhydrous ammonia fertilizer nurse tank a substance which will reduce the amount of methamphetamine which can be produced from any anhydrous ammonia removed from the tank.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a producer of agricultural commodities;

(B) a cooperative association a majority of the members of which produce or process agricultural commodities, and

(C) a person in the trade or business of—

(i) selling an agricultural product, including an agricultural chemical, at retail, predominantly to farmers and ranchers; or

(ii) aerial and ground application of an agricultural chemical.

(2) NURSE TANK.—The term ''nurse tank'' shall have the meaning set forth in section 173.315(m) of title 49, Code of Federal Regulations, as in effect as of the date of the enactment of this Act.

(c) GRANT AMOUNT.—The amount of a grant made under this section to an entity shall be not less than $40 and not more than $60, multiplied by the number of fertilizer nurse tanks of the entity.

(d) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this section, there are authorized to be appropriated to the Secretary a total of not more than $15,000,000 for fiscal years 2008 through 2012.

SEC. 11310. USDA GRADUATE SCHOOL.

(a) Section 921 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279b) is amended by striking subsections (a) through (k) and inserting the following: ''The Department of Agriculture shall not establish, maintain, or otherwise operate a non-appropriated fund instrumentality of the United States to develop, administer, or provide educational training and professional development activities, including educational activities for Federal agencies, Federal employees, nonprofit organizations, other entities, and members of the general public.''.

(b) EFFECTIVE DATE.—The amendment made in subsection (a) apply beginning October 1, 2008.

The text of the adopted amendments is as follows:

AMENDMENT TO H.R. 2419, AS REPORTED

OFFERED BY MR. PETERSON OF MINNESOTA

(Consisting of Amendments to Titles IV and IX of the Reported Bill)

[NUTRITION TITLE]

After section 4004 of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 4005. EXCLUDING COMBAT RELATED PAY FROM COUNTABLE INCOME.

Section (5)(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by striking ''and (18)'', and inserting ''(18)'', and

(2) by inserting before the period at the end the following: ''and (19) any additional payment received under Chapter 5 of title 37, United States Code, by (or as an allotment to or transfer from) a member of the United States Armed Forces deployed to a designated combat zone for the duration of the member's deployment to or service in a combat zone if the additional pay was not received immediately prior to serving in that or another combat zone.''.

SEC. 4006. INCREASING THE STANDARD DEDUCTION.

Section (5)(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii) by striking ''not less than $134'' and all that follows through the period at the end, and inserting the following: ''not less than $145, $248, $205, and $128, respectively. On October 1, 2008, and each October 1 thereafter, such standard deduction shall be an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30.''; and

(2) in subparagraph (B)(ii) by striking ''not less than $269.'' and inserting the following: ''not less than $291. On October 1, 2008, and each October 1 thereafter, such standard deduction shall be an amount that is equal to the amount of the previous fiscal year adjusted to the nearest dollar increment to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30.''.

SEC. 4007. EXCLUDING DEPENDENT CARE EXPENSES.

Section (5)(e)(3)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(3)(A)) is amended by striking '', the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent,''.

SEC. 4008. ADJUSTING COUNTABLE RESOURCES FOR INFLATION.

Section (5)(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended—

(1) by striking ''(g)(1) The Secretary'' and inserting the following:

''(g) ALLOWABLE FINANCIAL RESOURCES.—

''(1) TOTAL AMOUNT.—

''(A) IN GENERAL.—The Secretary''.

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by inserting ''(as adjusted in accordance with subparagraph (B))'' after ''$2,000''; and

(B) by inserting ''(as adjusted in accordance with subparagraph (B))'' after ''$3,000''; and

(3) by adding at the end the following:

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—Beginning on October 1, 2007, and each October 1 thereafter, the amounts in subparagraph (A) shall be adjusted to the nearest $100 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.''.

SEC. 4009. EXCLUDING EDUCATION ACCOUNTS FROM COUNTABLE INCOME.

Section (5)(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

''(7) EXCLUSION OF EDUCATION ACCOUNTS FROM COUNTABLE RESOURCES.—

''(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds

in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

''(B) DISCRETIONARY EXCLUSIONS.—The Secretary may also exclude from financial resources under this subsection the value of any program or account included in any successor or similar provision that is enacted and determined to be exempt from taxation under the Internal Revenue Code of 1986.''.

SEC. 4010. EXCLUDING RETIREMENT ACCOUNTS FROM COUNTABLE INCOME.

Section (5)(g) of the of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)), as amended by section 4009, is amended—

(1) in subsection (g)(2)(B)(v) by striking ''or retirement account (including an individual account)'' and inserting ''account''; and

(2) adding at the end the following:

''(8) EXCLUSION OF RETIREMENT ACCOUNTS FROM COUNTABLE RESOURCES.—

''(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a plan, contract, or account as described in section 401(a), 403(a), 403(b), 408, 408A, 457(b), or 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided section 8439 of title 5, United States Code.

''(B) DISCRETIONARY EXCLUSIONS.—

''(i) The Secretary may exclude from financial resources under this subsection any other retirement plans, contracts, or accounts that have been determined to be tax qualified retirement plans, contracts, or accounts, under the Internal Revenue Code of 1986.

''(ii) The Secretary may also exclude from financial resources under this subsection the value of any program or account included in any successor or similar provision that is enacted and determined to be exempt from taxation under the Internal Revenue Code of 1986.''.

After section 4006 of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 4014. INCREASING THE MINIMUM BENEFIT.

Section 8(a) of the Food Stamp Act of 1977 (7 U.S.C. 2017(a)) is amended by striking ''$10 per month'' and inserting ''10 percent of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3(o)''.

Strike section 4021 of the bill, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 4028. EMERGENCY FOOD ASSISTANCE PROGRAM.

Section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) is amended by—

(1) by striking ''(a) PURCHASE OF COMMODITIES'' and all that follows through 2007' and inserting the following:

''(a) PURCHASE OF COMMODITIES.—

''(1) IN GENERAL.—As provided in paragraph (2), for each of the fiscal years 2008 through 2012'';

(2) by striking ''$140,000,000 of''; and

(3) by adding at the end the following:

''(2) AMOUNTS.—The following amounts are made available to carry out this subsection:

''(A) for fiscal year 2008, $250,000,000; and

''(B) for each of the fiscal years 2009 through 2012, the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(o)(4) between June 30, 2007 and June 30 of the immediately preceding fiscal year.''.

[ENERGY TITLE]

Section 9002 of the bill is amended by adding at the end the following new paragraph:

(3) by striking subsection (k)(2)(A) and inserting the following:

''(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use $2,000,000 for each of fiscal years 2008 through 2012 for bio-product testing and support ongoing operations of the Designation Program, the Voluntary Labeling Program, procurement program models, procurement research, promotion, education, and awareness of the BioPreferred Program.''.

Section 9003(3) of the bill is amended by striking ''subsections (d) through (h) as subsections (e) through (i), respectively'' and inserting ''subsection (h) as subsection (j) and subsections (d) through (g) as subsections (e) through (h), respectively,''.

Section 9003 of the bill is amended by striking paragraph (5) and adding at the end the following new paragraphs:

(5) by inserting after subsection (h) the following new subsection:

''(i) CONDITION OF PROVISION OF ASSISTANCE.—As a condition of receiving a grant or loan guarantee under this section, the eligible entity shall ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with the grant or loan guarantee, as the case may be, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with section 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F. R. 3176; 64 Stat. 1267) and section 3145 of such title.'';

(6) in subsection (j) (as so redesignated), by striking ''2007'' and inserting ''2012''; and

(7) by adding at the end the following new subsection:

''(k) ADDITIONAL FUNDING FOR LOAN GUARANTEES.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

''(1) $75,000,000 for fiscal year 2008;

''(2) $100,000,000 for fiscal year 2009;

''(3) $125,000,000 for fiscal year 2010;

''(4) $200,000,000 for fiscal year 2011; and

''(5) $300,000,000 for fiscal year 2012.''.

Section 9005(5) of the bill is amended by striking ''redesignating subsections (e) and (f) as subsections (g) and (h), respectively'' and inserting ''redesignating subsection (e) as subsection (g) and striking subsection (f)''.

Section 9005 of the bill is amended by adding at the end the following new paragraph:

(7) by adding at the end the following new subsection:

''(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

''(1) $50,000,000 for fiscal year 2008;

''(2) $75,000,000 for fiscal year 2009;

''(3) $100,000,000 for fiscal year 2010;

''(4) $125,000,000 for fiscal year 2011; and

''(5) $150,000,000 for fiscal year 2012.''.

Section 9007 of the bill is amended by adding at the end the following new paragraph:

(3) by striking subsection (c) and inserting the following:

''(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section—

''(1) $225,000,000 for fiscal year 2008;

''(2) $250,000,000 for fiscal year 2009;

''(3) $275,000,000 for fiscal year 2010;

''(4) $300,000,000 for fiscal year 2011; and

''(5) $350,000,000 for fiscal year 2012.''.

Section 9008(j) of the Farm Security and Rural Investment Act of 2002, as added by section 9006 of the bill, is amended to read as follows:

''(j) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available to carry out this section—

''(A) $35,000,000 for fiscal year 2008;

''(B) $60,000,000 for fiscal year 2009;

''(C) $75,000,000 for fiscal year 2010;

''(D) $100,000,000 for fiscal year 2011; and

''(E) $150,000,000 for fiscal year 2012.

''(2) ADDITIONAL FUNDING.—In addition to amounts transferred under paragraph (1), there are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2006 through 2015.''.

At the end of title IX of the bill, add the following new sections:

SEC. 9018. BIODIESEL FUEL EDUCATION PROGRAM.

Section 9004(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)) is amended to read as follows:

''(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $2,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 9019. BIOMASS ENERGY RESERVE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding at the end the following new section:

''SEC. 9017. BIOMASS ENERGY RESERVE.

''(a) PURPOSE.—The purpose of this section is to establish a biomass energy reserve—

''(1) to encourage production of dedicated energy crops in a sustainable manner that protects the soil, air, water, and wildlife of the United States; and

''(2) to provide financial and technical assistance to owners and operators of eligible cropland to produce dedicated energy crops and crop mixes of suitable quality and in sufficient quantities to support and induce development and expansion of the use of the crop for—

''(A) bioenergy;

''(B) power or heat generation to supplement or replace nonbiobased energy sources; or

''(C) biobased products to supplement or replace non biobased products;

''(3) to establish biomass energy reserve project areas; and

''(4) to provide financial and technical assistance to owners and operators for harvesting, storing, and transporting cellulosic material.

''(b) DEFINITIONS.— In this section:

''(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

''(2) BER.—The term 'BER' means the biomass energy reserve established under this section.

''(3) BER PROJECT AREA.—The term 'BER project area' means an area that—

''(A) has eligible cropland that—

''(i) is owned or operated by eligible participants; and

''(ii) has specified boundaries that are submitted to the Secretary by eligible participants and subsequently approved by the Secretary; and

''(B) is physically located within a 50-mile radius of a bioenergy facility.

''(4) CONSERVATION RESERVE PROGRAM.—The term 'conservation reserve program' means the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

''(5) CONTRACT ACREAGE.—The term 'contract acreage' means eligible cropland that is covered by a BER contract entered into with the Secretary.

''(6) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

''(A) a collective group of owners and operators producing or proposing to produce eligible dedicated energy crops;

''(B) an energy or agricultural company or refinery; and

''(C) an Agricultural Innovation Center established pursuant to section 6402 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 426; 7 U.S.C. 1621 note).

''(7) ELIGIBLE CROPLAND.—

''(A) IN GENERAL.—The term 'eligible cropland' means land that the applicable county committee of the Farm Service Agency determines—

''(i) is currently being tilled for the production of a crop for harvest; or

''(ii) is not currently being tilled but has been tilled in a prior crop year and is suitable for production of an eligible dedicated energy crop.

''(B) EXCLUSIONS.—The term 'eligible cropland' does not include—

''(i) Federally-owned land;

''(ii) land enrolled in—

''(I) the conservation reserve program;

''(II) the grassland reserve program; or

''(III) the wetlands reserve program; and

''(iii) land with greater than 50 percent cover of native nonwoody vegetation or forest land, as of the date of enactment of this section.

''(8) ELIGIBLE DEDICATED ENERGY CROP.—

''(A) IN GENERAL.—The term 'eligible dedicated energy crop' means any crop native to the United States, or another crop, as determined by the Secretary, grown specifically to provide raw materials for—

''(i) conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

''(ii) energy generation through combustion, pyrolysis, gasification, cofiring, or other technologies, as determined by the Secretary.

''(B) EXCLUSIONS.—The term 'eligible dedicated energy crop' does not include—

''(i) any crop that is eligible for payments under title I or a successor title; or

''(ii) any plant that is invasive or noxious or has the potential to become invasive or noxious, as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies.

''(9) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means an owner or operator of contract acreage that is physically located within a BER project area .

''(10) FEDERALLY-OWNED LAND.—The term 'Federally-owned land' means land owned by—

''(A) the Federal Government (including any department, instrumentality, bureau, or agency of the Federal Government); or

''(B) any corporation whose stock is wholly owned by the Federal Government.

''(11) FOREST LAND.—The term 'forest land' means an ecosystem that is at least 1 acre in size (including timberland and woodland) and that (as determined by the Secretary)—

''(A) is characterized by dense and extensive tree cover;

''(B) contains, or once contained, at least 10 percent tree crown cover; and

''(C) is not developed and planned for exclusive nonforest resource use.

''(12) GRASSLAND RESERVE PROGRAM.—The term 'grassland reserve program' means the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

''(13) OPERATOR.—The term 'operator' means an individual, entity, or joint operation that is in control of the farming operations on a farm during the applicable crop year.

''(14) OWNER.—

''(A) IN GENERAL.—The term 'owner' means a person that has legal ownership of eligible cropland.

''(B) INCLUSION.—The term 'owner' includes—

''(i) a person that is buying eligible cropland under a contract for deed; and

''(ii) a person that has a life estate in eligible cropland.

''(15) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

''(A) an Agricultural Innovation Center established pursuant to section 6402 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 426; 7 U.S.C. 1621 note) with significant experience in the field of renewable energy, as determined by the Secretary; or

''(B) in a region not served by a center referred to in subparagraph (A)—

''(i) an entity with significant experience in the field of renewable energy that is geographically located in such region, as determined by the Secretary; or

''(ii) an accredited college or university with experience providing technical assistance in the field of renewable energy that is geographically located in such region, as determined by the Secretary.

''(16) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(17) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' means a farmer or rancher who is a member of a socially disadvantaged group (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))).

''(18) WETLANDS RESERVE PROGRAM.—The term 'wetlands reserve program' means the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.).

''(c) ESTABLISHMENT.— Not later than 90 days after the date of enactment of this section, the Secretary shall establish a biomass energy reserve in accordance with this section. The Secretary shall ensure the purposes in subsection (a) are met by including in the reserve projects that include a variety of harvest and post-harvest practices, including stubble height, unharvested strips (including strips for wildlife habitat), and varying harvest dates and a variety of monoculture and polyculture crop mixes, as appropriate, by project area.

''(d) PROPOSALS FOR BER PROJECT AREAS.—

''(1) SELECTION OF QUALIFIED ORGANIZATIONS.—

''(A) IN GENERAL.—The Secretary shall select not more than 10 qualified organizations to assist—

''(i) eligible applicants in submitting proposals under paragraph (2); and

''(ii) the Secretary in selecting BER project areas.

''(B) REGION.—The Secretary shall select not more than 1 qualified organization to assist eligible applicants and the Secretary in any particular region of the United States, as determined by the Secretary.

''(C) FUNDING.—The Secretary shall provide each qualified organization selected under paragraph (1) not more than $300,000 to carry out this paragraph.

''(2) CONSULTATION WITH QUALIFIED ORGANIZATION.—An eligible applicant may consult with and submit to a qualified organization a written proposal that—

''(A) identifies the eligible cropland that will be a part of the proposed BER project area; and

''(B) indicates a strong likelihood that the proposed BER project area will generate a sufficient quantity of biomass from eligible dedicated energy crops and acres or other sources to supply an existing bioenergy facility.

''(3) MINIMUM REQUIREMENTS.—The written proposal for a proposed BER project area shall include—

''(A) a description of the eligible cropland of each eligible participant that will participate in the proposed BER project area, including—

''(i) the quantity of eligible cropland of each eligible participant;

''(ii) the physical location of the eligible cropland;

''(iii) the 1 or more eligible dedicated energy crops that will be produced on the eligible cropland; and

''(iv) the type of land use or crop that will be displaced by the eligible dedicated energy crop;

''(B)(i) the name, if available, and type, location, and description of the bioenergy facility that will use the eligible dedicated energy crops to be produced in the proposed BER project area; and

''(ii) a letter of commitment from a bioenergy facility that the facility will use the eligible dedicated energy crops intended to be produced in the proposed BER project area;

''(C) a general analysis of the anticipated local economic impact of the proposed BER project; and

''(D) any additional information needed to determine the eligibility for, and ranking of, the proposal, as determined by the Secretary.

''(4) INDIVIDUAL OWNERS AND OPERATORS.—A project area proposal may not submit an individual proposal to participate in the BER.

''(5) ELIGIBILITY CRITERIA FOR BER PROJECT AREAS.—The Secretary shall establish a system for ranking BER project areas based on the following criteria:

''(A) The probability that the eligible dedicated energy crops proposed to be produced in the proposed BER project area will be used for the purposes of the BER.

''(B) The inclusion of adequate potential feedstocks and suitable placement with respect to the bioenergy facility.

''(C) The potential for a positive economic impact in the proposed BER project area.

''(D) The availability of the ownership of the bioenergy facility in the proposed BER project area to producers and local investors.

''(E) The participation rate by beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

''(F) The potential to improve soil conservation and water quality, and enhance wildlife habitat, when compared to existing land uses.

''(G) The variety of agronomic conditions the proposed eligible dedicated energy crops will be grown within a project area.

''(H) The variety of harvest and post harvest practices, including stubble height, unharvested strips (including strips for wildlife habitat), and varying harvest dates.

''(I) The variety of monoculture and polyculture crop mixes, as appropriate, by project area.

''(6) SELECTION OF PROJECTS.—

''(A) RANKING; SUBMISSION TO SECRETARY.—Each qualified organization selected by the Secretary under paragraph (1) shall rank proposals submitted to such qualified organization under paragraph (2) using the system for ranking established by the Secretary under paragraph (6) and shall submit to the Secretary up to five of the highest ranked applications.

''(B) SECRETARY SELECTION.—The Secretary shall authorize not less than one proposal submitted to the Secretary from each qualified organization under subparagraph (A).

''(e) FOREST BIOMASS PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary shall provide forest biomass planning assistance grants to private landowners to develop forest stewardship plans that involve sustainable management of biomass from forest land of the private landowners that will preserve diversity, soil, water, or wildlife values of the land, while ensuring a steady supply of biomass material, through—

''(A) State forestry agencies, in consultation with State wildlife agencies; and

''(B) technical service provider arrangements with third-parties.

''(2) LIMITATION.—The total amount of funds used to carry out this subsection shall not exceed $5,000,000.

''(f) DURATION OF CONTRACT.—

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of carrying out the BER, the Secretary shall enter into contracts of 5 years.

''(2) EARLY TERMINATION.—The Secretary may terminate a contract early if the Secretary determines that—

''(A) contract acreage will not be used to produce an eligible dedicated energy crop;

''(B) a material breach of the contract has occurred;

''(C) the owner or operator has died; or

''(D) continuation of the contract will cause undue economic hardship.

''(g) CONTRACT ACREAGE REQUIREMENTS.—

''(1) IN GENERAL.—On approval of a BER project area by the Secretary, each eligible participant in the BER project area shall enter into a contract with the Secretary that is consistent with the BER.

''(2) ADDITIONAL ELIGIBLE PARTICIPANTS.—The Secretary may add eligible participants to a BER project area after approval of the BER project area.

''(3) CONSERVATION PRACTICES.—To ensure the sustainability of farm operations and the protection of soil, air, water and wildlife, the Secretary shall include such terms and conditions in a contract entered into under paragraph (1) as the Secretary considers necessary.

''(4) PURPOSES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible to participate in the BER, an eligible participant may use eligible dedicated energy crops produced on contract acreage only for the purposes described in subsection (a).

''(B) PERSONAL USE.—During the period before the commercial viability of a bioenergy facility, an eligible participant may use eligible dedicated energy crops produced by the eligible participant on contract acreage for personal use.

''(C) SEED PRODUCTION.—During the period before the commercial viability of a bioenergy facility, an eligible participant may harvest and sell seed produced on contract acreage.

''(5) REQUIREMENTS.—To be eligible to participate in the BER, during the term of the BER contract, an eligible participant shall comply with—

''(A) the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

''(B) the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

''(h) ADDITIONAL ELIGIBLE BIOMASS.—

''(1) IN GENERAL.—The Secretary may allow on land that is enrolled in the conservation reserve program and located within the BER project area the harvesting of biomass—

''(A) in exchange for a reduction of an applicable annual payment in an amount to be determined by the Secretary;

''(B) in accordance with an approved conservation reserve program plan, including mid-contract management and forestry maintenance activities; and

''(C) in a manner that ensures that biomass harvest activities occur outside the official nesting and brood rearing season for those plans.

''(i) DUTIES OF SECRETARY.—The Secretary shall—

''(1) establish and administer the BER;

''(2) authorize establishment of BER project areas for the purposes of the BER described in subsection (a);

''(3) develop procedures—

''(A) to monitor the compliance of eligible participants that have land enrolled in the BER with the requirements of the BER;

''(B) to measure the performance of the BER; and

''(C) to demonstrate whether the long-term eligible dedicated energy crop production goals are being achieved.

''(4) enter into a written contract with each eligible participant that elects to participate in the BER in a BER project area;

''(5) not enter into a contract under the BER with an individual owner or operator unless the land of the eligible participant is physically located in an approved BER project area; and

''(6) provide all payments under the contract directly to the eligible participant.

''(j) CONTRACTS.—A contract entered into between the Secretary and an eligible participant under the BER shall include, at a minimum, terms that cover—

''(1) requirements for the eligible participant in carrying out the contract, including requirements described in subsections (f), (g), and (l);

''(2) termination provisions;

''(3) payment terms and amounts to be provided on an annual basis;

''(4) the sales or transfer of contract acreage;

''(5) the modification of the contract;

''(6) the maximum quantity of contract acreage and an estimated schedule for how much eligible cropland will be enrolled each contract year; and

''(7) any additional terms the Secretary considers appropriate.

''(k) PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall provide payments directly to eligible participants who enter into contracts described in subsection (j) in accordance with such subsection.

''(2) ESTABLISHMENT PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall provide to an eligible participant who enters into a BER contract an establishment payment in an amount equal to the costs of establishing an eligible dedicated energy crop on the contract acreage covered by the contract.

''(B) ELIGIBLE ESTABLISHMENT PAYMENTS.—The costs for which an eligible owner may receive an establishment payment under this paragraph include—

''(i) the cost of seeds and stock; and

''(ii) the cost of planting the crop.

''(3) RENTAL PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall make annual rental payments to an eligible participant who enters into a BER contract.

''(B) PERIOD.—An eligible participant shall receive rental payments for a period of not more than 5 years after entering into a BER contract with the Secretary on contract acreage.

''(C) REDUCTION.—The Secretary shall reduce rental payments under (A) by an amount determined to be appropriate by the Secretary, if an eligible dedicated energy crop is harvested in accordance with subsection (g)(4).

''(l) INFORMATION SHARING.—

''(1) IN GENERAL.—Owners and operators of a farm entering into a contract with the Secretary under this section shall agree to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of bioenergy crops and the development of biorefinery technology; and

''(2) BEST PRACTICES DATABASE.—Subject to section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276), the Secretary shall make available to the public in a database format the best practices information developed by the Secretary in providing bioenergy assistance under this section.

''(m) PAYMENTS FOR COLLECTING, HARVESTING, STORING, AND TRANSPORTING BIOMASS PRODUCED ON BER CONTRACT ACREAGE, AGRICULTURAL WASTE BIOMASS, AND SUSTAINABLY-HARVESTED AGRICULTURAL AND FOREST RESIDUES.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may provide matching payments at a rate of $1 for every $1 per ton provided by the bioenergy facility, in an amount equal to not more than $45 per ton for a period of two years—

''(A) to eligible participants for biomass produced on BER contract acreage in exchange for a reduction of the annual payment issued under subsection (k)(3), as determined by the Secretary;

''(B) to any producer of agricultural waste biomass or sustainably-harvested agricultural and forest residues in the United States for the agricultural waste or residue; and

''(C) for residue collected as a result of the removal of noxious and invasive species, in accordance with methods approved by the Secretary.

''(2) FOREST LAND OWNER ELIGIBILITY.—Owners of forest land shall be eligible to receive payments under this subsection only if such owners are acting pursuant to a forest stewardship plan.

''(n) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 9020. FOREST BIOMASS FOR ENERGY.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is further amended by adding at the end the following new section:

''SEC. 9018. FOREST BIOMASS FOR ENERGY.

''(a) IN GENERAL.—The Secretary of Agriculture, through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

''(b) ELIGIBLE ENTITIES.—Entities eligible to compete under this program include the Forest Service (through Research and Development), other Federal agencies, State and local governments, federally recognized Indian tribes, land grant colleges and universities, and private entities.

''(c) PRIORITY FOR PROJECT SELECTION.—The Secretary shall give priority to projects that—

''(1) develop technology and techniques to use low value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;

''(2) develop processes that integrate production of energy from forest biomass into biorefineries or other existing manufacturing streams;

''(3) develop new transportation fuels from forest biomass; and

''(4) improve the growth and yield of trees intended for renewable energy production.

''(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $15,000,000 for each of fiscal years 2008 through 2012.''.

At the end of the bill, add the following:

TITLE XII—PREVENTION OF TAX TREATY EXPLOITATION TO EVADE UNITED STATES TAXATION

SEC. 12001. LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 of the Internal Revenue Code of 1986 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

''(1) IN GENERAL.—In the case of any deductible related-party payment, the amount of any withholding tax imposed under chapter 3 (and any tax imposed under subpart A or B of this part) with respect to such payment shall not be less than the amount which would be imposed if the payment were made directly to the foreign parent corporation (taking into account any income tax treaty between the United States and the country in which the foreign parent corporation is resident).

''(2) DEDUCTIBLE RELATED-PARTY PAYMENT.—For purposes of this subsection, the term 'deductible related-party payment' means any payment made, directly or indirectly, by any person to any other person if the payment is allowable as a deduction under this chapter and both persons are members of the same foreign controlled group of entities.

''(3) FOREIGN CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'foreign controlled group of entities' means a controlled group of entities the common parent of which is a foreign corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(4) FOREIGN PARENT CORPORATION.—For purposes of this subsection, the term 'foreign parent corporation' means, with respect to any deductible related-party payment, the common parent of the foreign controlled group of entities referred to in paragraph (3)(A).

''(5) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as are necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provide for—

''(A) the treatment of two or more persons as members of a foreign controlled group of entities if such persons would be the common parent of such group if treated as one corporation, and

''(B) the treatment of any member of a foreign controlled group of entities as the common parent of such group if such treatment is appropriate taking into account the economic relationships among such entities.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

At the end of title XI, add the following new section:

SEC. 1331__. PREVENTION AND INVESTIGATION OF PAYMENT AND FRAUD AND ERROR.

Section 1113(k) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(k)) is amended to read as follows:

''(k) DISCLOSURE NECESSARY FOR PROPER ADMINISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AUTHORITIES.—

''(1) DISCLOSURE TO GOVERNMENT AUTHORITIES.—Nothing in this title shall apply to the disclosure by the financial institution of the financial records of any customer to the Department of the Treasury, the Social Security Administration, the Railroad Retirement Board, or any other Government authority that certifies, disburses, or collects payments, when the disclosure of such information is necessary to, and such information is used solely for the purposes of—

''(A) the proper administration of section 1441 of the Internal Revenue Code of 1986 (26 U.S.C. 1441);

''(B) the proper administration of title II of the Social Security Act (42 U.S.C. 401 et seq.);

''(C) the proper administration of the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

''(D) the verification of the identify of any person in connection with the issuance of a Federal payment or collection of funds by a Government authority; or

''(E) the investigation or recovery of an improper Federal payment or collection of funds, or an improperly negotiated Treasury check.

''(2) LIMITATIONS ON SUBSEQUENT DISCLOSURE.—Notwithstanding any other provision of law, any request authorized by paragraph (1), and the information contained therein, may be used by the financial institution and its agents solely for the purpose of providing the customer's financial records to the Government authority requesting the information and shall be barred from redisclosure by the financial institution or its agents. Any Government authority receiving information pursuant to paragraph (1) may not disclose or use the information except for the purposes set forth in such paragraph.''.

[COMMODITY TITLE]

In section 1103(f)(3), strike subparagraph (B) and insert the following new subparagraph:

(B) the final partial payment shall be made the later of the following:

(i) As soon as practicable after the end of the 12-month marketing year for the covered commodity.

(ii) October 1 of the fiscal year starting in the same calendar year as the end of the marketing year.

In section 1104(h)(3), strike subparagraph (B) and insert the following new subparagraph:

(B) the final partial payment shall be made the later of the following:

(i) As soon as practicable after the end of the 12-month marketing year for the covered commodity.

(ii) October 1 of the fiscal year starting in the same calendar year as the end of the marketing year.

At the end of section 1407, add the following new subsection:

(d) REFUND OF ASSESSMENTS ON IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by adding at the end the following:

''(7) REFUND OF ASSESSMENTS ON CERTAIN IMPORTED PRODUCTS.—

''(A) IN GENERAL.—An importer is entitled to a refund of any assessment paid under this subsection on imported dairy products imported under a contract entered into prior to July 26, 2007.

''(B) EXPIRATION.—Refunds under paragraph (A) shall expire one year after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007.''.

Page 116, line 25, strike ''16'' and insert ''18''.

Page 117, line 19, strike ''(2)(E)'' and insert ''(2)(C)''.

Page 117, line 24, strike ''institution'' and ''institutions''.

Page 150, line 18, strike ''2012'' and insert ''2011''.

[CONSERVATION TITLE]

Page 157, beginning line 22, strike subparagraph (C) relating to annual survey funding.

In section 2101, add at the end the following new subsection:

(j) EXCEPTIONS TO EARLY TERMINATION.—Section 1235(e)(2) of the Food Security Act of 1985 (16 U.S.C. 3835(e)(2)) is amended by adding at the end the following new subparagraph:

''(D) Land enrolled under continuous signup.''.

In section 2102(e), strike paragraph (3) and insert the following new paragraph:

(3) by striking subsection (f) and inserting the following new subsection:

''(f) COMPENSATION.—Compensation for easements acquired by the Secretary under this subchapter shall be made in cash in such amount as agreed to and specified in the easement agreement. Lands may be enrolled through the submission of bids under a procedure established by the Secretary. Commendation may be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by the owner and the Secretary based on the following option that results in the lowest amount of compensation to be paid by the Secretary:

''(1) A percentage of the fair market value based on the Uniform Standards for Professional Appraisals Procedures, as determined by the Secretary or a percentage of the market value determined by an area-wide market survey.

''(2) A geographic cap, prescribed in regulations issued by the Secretary.

''(3) The offer made by the landowner.''; and

Page 194, line 10, strike ''or''.

Page 194, line 11, strike the period and insert ''; or''.

Page 194, after line 11, insert the following new clause:

''(iv) improve watershed health.''.

Page 206, after line 2, insert the following new subsection (and redesignate the subsequent subsection as subsection (e)):

''(d) AIR QUALITY.—Of the funds made available under subsection (e)(1), the Secretary shall use $10,000,000 for fiscal year 2008, $15,000,000 for fiscal year 2009, $30,000,000 for fiscal year 2010, $40,000,000 for fiscal year 2011, and $55,000,000 for fiscal year 2012 to support air quality improvements to help producers meet State and local regulatory requirements related to air quality. Notwithstanding the requirements under subsections (a) and (b), these funds shall be made available to a State on the basis of air quality concerns facing that producers in that State. The funds made available shall be used to provide cost-share and incentive payments to producers.''.

Page 206, beginning line 24, strike paragraph (4).

Page 209, line 17, insert after ''the Everglades,'' the following: ''the Sacramento River watershed,''.

Page 219, line 23, strike ''or organizational purpose''.

Page 220, line 2, strike ''and technical ability''.

Page 220, beginning line 9, strike subparagraph (C).

Page 221, beginning line 1, strike subparagraphs (F) and (G).

Page 221, line 12, insert after ''eligible entity,'' the following: ''other than a certified State,''.

Page 222, line 19, strike ''preserve'' and insert ''enforce''.

Page 238, line 13, strike ''$1,500,000,000'' and insert ''$1,250,000,000''.

Page 264, line 20, strike ''section 501(c)(2)'' and insert ''section 501(c)(3)''.

At the end of title II (page 272, after line 2), add the following new section:

SEC. 2504. PILOT PROGRAM FOR FOUR-YEAR CROP ROTATION FOR PEANUTS.

(a) CONTRACT AUTHORITY.—The Secretary of Agriculture shall enter into a contract with a peanut producer under which the producer will implement a four-year crop rotation for peanuts.

(b) CONTRACT PAYMENTS.—Under the contract, the Secretary shall pay to the producer a contract implementation payment, in an amount determined to be appropriate by the Secretary.

(c) FUNDING.—For each of fiscal years 2008 through 2012, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the provisions under this section, except that funding of the pilot program may not exceed $10,000,000 in each of such fiscal years.

[TRADE TITLE]

Page 274, strike line 1 and all that follows through line 4 and insert the following:

(e) FOOD AID CONSULTATIVE GROUP.—

(1) REPORT TO CONGRESS.—Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

''(f) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, and annually thereafter until December 31, 2012, the Administrator of the United States Agency for International Development, in close consultation with the Group, shall submit to the appropriate congressional committees a report on efforts taken by the United States Agency for International Development and the Department of Agriculture to develop a strategy under this section to achieve an integrated and effective food assistance program.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives; and

''(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate.''.

(2) TERMINATION.—Such section is further amended in subsection (g) (as redesignated by paragraph (1)(A)) by striking ''2007'' and inserting ''2012''.

Page 275, line 14, insert ''paragraph'' before ''(1)''.

Page 275, after line 14, insert the following new paragraph:

''(3) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under paragraph (2), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

''(A) reviews and comments on the report under paragraph (2); and

''(B) provides recommendations regarding any additional actions necessary to improve the monitoring and evaluation of assistance provided under this title.''.

Page 275, line 15, strike ''(3)'' and insert ''(4)''.

Page 275, line 21, strike ''(4)'' and insert ''(5)''.

Page 276, line 3, strike the closing quotation marks and the period at the end.

Page 276, after line 3, insert the following:

''(6) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives; and

''(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate.''.

Page 276, after line 12, insert the following:

(1) by striking ''Funds'' and inserting ''(A) IN GENERAL.—Funds'';

Page 276, line 13, strike ''(1)'' and insert ''(2)''.

Page 276, line 14, strike ''and''.

Page 276, line 15, strike ''(2)'' and insert ''(3)''.

Page 276, line 16, strike the period at the end and insert ''; and''.

Page 276, after line 16, insert the following:

(4) by adding at the end the following new subparagraph:

''(B) ADDITIONAL PREPOSITIONING SITES.—

''(i) FEASIBILITY ASSESSMENT.—On or after the date of the enactment of the Farm, Nutrition, and Bioenergy Act of 2007, the Administrator is authorized to carry out assessments for the establishment of not less than two sites to determine the feasibility of and costs associated with using such sites for the purpose of storing and handling agricultural commodities for prepositioning in foreign countries.

''(ii) ESTABLISHMENT OF SITES.—Based on the results of the assessments carried out under clause (i), the Administrator is authorized to establish additional sites for prepositioning in foreign countries.

''(iii) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subparagraph, there are authorized to be appropriated to the Administrator such sums as may be necessary for each of the fiscal years 2008 through 2012.''.

Page 277, after line 16, insert the following:

(l) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended to read as follows:

''(a) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2012, there are authorized to be appropriated to the President—

''(1) such sums as may be necessary to carry out the concessional credit sales program established under title I,

''(2) $2,500,000,000 to carry out the emergency and non-emergency food assistance programs under title II, and

''(3) such sums as may be necessary to carry out the grant program established under title III,

including such amounts as may be required to make payments to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under the programs under this Act for the actual costs incurred or to be incurred by such Corporation in carrying out such programs.''.

Page 277, strike line 17 and all that follows through line 20 and insert the following:

(m) MICRONUTRIENT FORTIFICATION PROGRAMS.—

(1) PURPOSE.—Subsection (a)(2)(C) of section 415 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g-2) is amended—

(A) by striking ''using the same mechanism that was used to assess the micronutrient fortification program in'' and inserting ''utilizing recommendations from''; and

(B) by striking ''with funds from the Bureau for Humanitarian Response of the United States Agency for International Development'' and inserting ''with implementation by an independent entity with proven impartiality and a mechanism that incorporates the range of stakeholders implementing programs under title II of this Act as well as other food assistance industry experts''.

(2) TERMINATION OF AUTHORITY.—Subsection (d) of such section is amended by striking ''2007'' and inserting ''2012''.

Page 277, line 21, strike ''(m)'' and insert ''(n)''.

Page 278, line 19, strike ''(n)'' and insert ''(o)''.

Page 279, after line 10, insert the following new clause (and redesignate the subsequent clause as clause (iii)):

(ii) in paragraph (1), by striking ''3-year period'' and inserting ''6-month period''.

Page 281, beginning line 9, strike subsection (c).

Page 284, strike line 6 and all that follows through line 10 and insert the following:

SEC. 3010. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

(a) FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.—Subsection (c) of section 702 of the Agricultural Trade Act of 1978 (7 U.S.C. 5722) is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(b) FUNDING.—Subsection (a) of section 703 of such Act (7 U.S.C. 5723) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

Page 285, line 14, strike ''International Relations'' and insert ''Foreign Affairs''.

Page 287, after line 7, insert the following:

SEC. 3015. REPORT ON EFFORTS TO IMPROVE PROCUREMENT PLANNING.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development and the Secretary of Agriculture shall submit to the appropriate congressional committees a report on efforts taken by both the United States Agency for International Development and the Department of Agriculture to improve planning for food and transportation procurement, including efforts to eliminate bunching of food purchases.

(b) CONTENTS.—The report required under subsection (a) should include, among other things, a description of efforts taken to—

(1) improve coordination of food purchases by the United States Agency for International Development and the Department of Agriculture;

(2) increase flexibility in procurement schedules;

(3) increase utilization of historical analyses and forecasting; and

(4) improve and streamline legal claims processes for resolving transportation disputes.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives; and

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

SEC. 3016. INTERNATIONAL DISASTER ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

For each of the fiscal years 2008 through 2012, of the amounts made available to carry out section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), not less than $40,000,000 for each such fiscal year is authorized be made available for the purposes of famine prevention and relief under such section.

[NUTRITION TITLE]

Page 301, beginning on line 18, strike ''and Nutrition Act'' and insert ''Stamp''.

Page 303, line 14, insert ''a'' after ''in the event of''.

Page 306, line 10, insert ''(or fails to address)'' after ''addresses''.

Page 310, line 25, strike ''after paragraph'' and insert ''inserting after subsection''.

Page 312, line 12, strike ''redeem,'' and insert ''redeem''.

Page 319, line 17, strike ''verification of'' and insert ''verification or''.

Page 323, strike lines 4 and 5, and insert the following:

(ii) by striking ''finding of a violation and the'' and inserting ''finding of a violation,''.

Page 323, line 22, strike ''years.'' and insert ''years''.

Page 324, line 21, strike lines 19 through 21, and insert the following:

''(c) TREATMENT OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—The action''.

Page 325, line 24, insert ''is'' before ''not upheld''.

Page 330, line 19, strike ''low income'' and insert ''low-income''.

Page 332, line 14, insert ''and particularly children, as well as the feasibility of replicating these programs in other locations'' after '' persons''.

Page 333, after line 22, insert the following:

''(iv) strategies to improve the nutritional value of food served during school hours and during after-school hours;

''(v) innovative ways to provide significant improvement to the health and wellness of children;''.

Page 333, line 23, strike ''(iv)'' and insert ''(vi)''.

Page 336, line 16, strike ''paragraph'' and insert ''subsection''.

Page 340, line 16, strike ''Action'' and insert ''Act''.

Page 345, line 22, strike ''(a) AMENDMENT.—''.

[CREDIT TITLE]

In section 304(c)(2)(B) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 5001 of the bill, strike ''$1,000,000'' and insert ''$1,000,000,000''.

In section 310F(b)(1)(C) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 5004 of the bill, strike ''be at'' and insert ''be, at''.

At the end of subtitle A of title V, insert the following:

SEC. 5005. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LANDS.

Section 1 of Public Law 91–229 (25 U.S.C. 488) is amended by adding at the end the following: ''The Secretary of Agriculture may make and insure loans as provided in section 309 of the Consolidated Farm and Rural Development Act to eligible purchasers of highly fractionated land pursuant to section 204(c) of the Indian Land Consolidation Act. Section 4 of this Act shall not apply to trust or restricted tribal or tribal corporation property mortgaged pursuant to the preceding sentence.''.

In section 1.9(4) of the Farm Credit Act of 1971, as proposed to be added by section 5031(a)(1)(C) of the bill, strike ''under this title to a person'' and insert ''to a person made eligible under this paragraph if the person is''.

In section 2.4(a)(4) of the Farm Credit Act of 1971, as proposed to be added by section 5031(b)(3) of the bill, strike ''under this title to a person'' and insert ''to a person made eligible under this paragraph if the person is''.

Strike section 5040.

[RURAL DEVELOPMENT TITLE]

In section 6009(a)(3), strike ''subparagraphs (D) and (F)'' and insert ''subparagraph (D)'', and strike ''and'' after the semicolon.

In section 6009(a)(4), strike ''adding at the end'' and insert ''inserting after subparagraph (D) (as so redesignated)'', and strike the period after the subparagraph (E) proposed to be added and insert ''; and''.

In subparagraph (E) of section 310B(e)(5) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 6009(a)(4) of the bill, strike the period and insert ''; and''.

At the end of section 6009(a), insert the following:

(5) in subparagraph (F), by striking ''greater than'' the 1st place it appears.

In section 310B(i)(2) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 6011 of the bill, strike ''the'' after ''help''.

In section 601(c)(3)(A)(ii) of the Rural Electrification Act of 1936, as proposed to be added by section 6023(b)(2) of the bill, strike ''services'' and insert ''service''.

In section 601(l)(4)(A) of the Rural Electrification Act of 1936, as proposed to be added by section 6023(i) of the bill, strike ''(b)'' each place it appears and insert ''(d)''.

[RESEARCH TITLE]

Page 456, line 10, strike ''(c)'' and insert ''(e)''.

Page 456, lines 14 and 15, strike ''or otherwise administered''.

Page 456, lines 17 and 18, strike ''except as provided under subsection (a)(14)''.

Page 458, line 7, insert ''and universities'' after ''colleges''.

Page 459, line 2, insert ''AND UNIVERSITY'' before the period.

Page 459, line 3, insert ''and university'' before the quotation marks.

Page 459, line 4, strike ''a'' and insert ''an''.

Page 459, line 5, strike ''as defined'' and all that follows through line 7 and insert ''; and''.

Page 459, strike lines 8 through 10, and insert the following:

(b) offers associate, bachelor's, or other accredited degree programs in agricultural related fields, as determined by the Secretary.

Page 470, lines 9 and 10, strike ''(8) and (12)'' and insert ''(7) and (11)''.

Page 474, line 17, insert ''for Research, Education, and Economics'' after ''Secretary''.

Page 477, line 21, insert '', except that section 401(b)(3) of such Act shall not be repealed and shall remain in effect'' before the period.

Page 477, line 24, strike ''(c)'' and insert ''(d)''.

Page 495, line 10, insert ''to'' before ''acquire''.

Page 497, line 10, strike ''as defined'' and all that follows through line 12, and insert ''; and''.

Page 497, line 15, insert '', as determined by the Secretary'' before the period.

Page 498, line 17, strike ''of Agriculture''.

Page 499, lines 13 and 14, strike ''of the Treasury''.

Page 500, line 7, strike ''section'' and insert ''paragraph''.

Page 501, line 24, strike ''of Agriculture''.

Page 502, line 4, strike ''of Agriculture''.

Page 502, line 12, insert ''EXTENSION'' after ''(b)''.

Page 502, line 18, strike ''section 4'' and insert ''subparagraph (D)''.

Page 504, line 3, insert '', as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)'' after ''universities''.

Page 504, line 7, insert '', as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)'' after ''universities''.

Page 504, line 11, insert '', as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)'' after ''universities''.

Page 506, line 1, strike ''**RESEARCH FACILITIES**'' and insert ''**ASSISTANCE PROGRAMS**''.

Page 507, after line 6, insert the following new sections:

SEC. 7234. HISPANIC SERVING INSTITUTIONS.

The text of section 1404 of the Research Act of 1977 is amended to read as follows: ''The term 'Hispanic Serving Institution' has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5).''.

SEC. 7235. SPECIALTY CROPS POLICY RESEARCH INSTITUTE.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended by adding at the end the following:

''(e) SPECIALTY CROPS POLICY RESEARCH INSTITUTE.—

''(1) ESTABLISHMENT.—The Food Agricultural Policy Research Institute shall establish a satellite institute, called the Specialty Crops Policy Research Institute, hereinafter referred to as the Institute, at accredited research universities within States with significant specialty crop industries to fulfill the objectives described in subsection (e)(3) of this section.

''(2) MANAGEMENT.—The Institute shall be coordinated and managed by an appointed university and will have the discretion to coordinate and facilitate the Institute's economic and policy research activities and those of additional member universities and institutions.

''(3) INSTITUTE OBJECTIVES.—Consistent with the provisions of subsections (a) and (c) of this section, the Institute shall—

''(A) produce and disseminate analysis of the specialty crop sector, including the impact of changes in domestic and international markets, production, new product technologies, web-based risk management tools, alternative policies and macroeconomic conditions on specialty crop production, use, farm and retail prices, and farm income and financial stability from a national, regional, and farm-level perspective; and

''(B) produce and disseminate an annual review of the economic state of the specialty crop industry nationally, regionally, and by-state.

''(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary in each fiscal year through 2012 to carry out this section.''.

Page 521, line 12, insert ''section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998'' after ''with''.

Page 522, line 19, insert ''note'' after ''1621''.

Page 523, line 13, strike ''and''.

Page 523, after line 14, insert the following:

(G) policy and marketing; and

(H) specialty crop pollination;

Page 531, line 12, strike ''and''.

Page 531, line 14, strike the period and insert ''; and''.

Page 531, after line 14, insert the following:

(3) in subsection (c), by striking ''such sums may be used to pay'' and all that follows through ''work.''.

Page 531, strike lines 15 through 25.

Page 533, strike ''1444 and''.

Page 541, strike lines 11 through 17.

[FORESTRY TITLE]

Page 548, beginning line 4, strike subparagraph (E).

Page 549, beginning line 1, strike clause (viii) and insert the following new clause:

''(viii) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).''.

Page 549, line 24, strike ''sections 8005 and 8006'' and insert ''sections 8006 and 8007''.

Page 551, line 14, strike ''three'' and insert ''3''.

Page 553, line 12, strike ''$17,000,000'' and insert ''$10,000,000''.

Page 557, after line 2, insert the following new subsection (and redesignate the subsequent subsection as subsection (d)):

(c) DEFINITION OF HISPANIC-SERVING INSTITUTION.—In this section, the term ''Hispanic-serving institution'' has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

[ENERGY TITLE]

Page 564, after line 19 insert the following new paragraph:

(5) in paragraph (2)(B) of subsection (f) (as so redesignated)—

(A) in clause (viii), by striking ''and'' at the end;

(B) in clause ix, by striking ''approaches.'' and inserting ''approaches; and''; and

(C) by adding at the end the following new clause:

''(x) whether the impact the distribution of funds would have on existing manufacturing and other facilities that utilize similar feedstocks would be minimal.''.

Page 597, after line 25 insert the following new paragraph:

(E) by adding at the end the following new paragraph:

''(8) RENEWAL OF CONTRACTS.—When considering the renewal of a contract under this section, the Secretary shall review such contract to determine whether the production of bioenergy at the facility under contract is economically viable and reconsider the need for the contract based on that determination.''.

In section 9002, strike subsection (d) and insert the following new subsection:

(d) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (1) of section 9002(k) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(k)) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) FEDERAL PROCUREMENT.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 through 2013 to implement the provisions of this section other than subsection (h).

''(B) LABELING.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 through 2013 to implement subsection (h) of this section.''.

In section 9002(f), strike paragraph (3).

Page 598, line 4, strike ''Section'' and insert:

(a) WESTERN INSULAR PACIFIC CENTER.—Section 9011(d) is amended by adding at the end the following new paragraph:

''(6) WESTERN INSULAR PACIFIC CENTER.—A western insular pacific center at the University of Hawaii for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section

Strike section 9014.

[HORTICULTURE TITLE]

Section 10102 is amended by adding at the end the following new subsection:

(e) DEFINITION OF STATE.—Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note) is amended by striking ''and the Commonwealth of Puerto Rico'' and inserting ''the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands''.

In section 209(e)(2) of the Agricultural Marketing Act of 1946, as proposed to be added by section 10108 of the bill, strike ''authorized'' and insert ''authorize''.

In section 10201(j), strike ''fo'' and insert ''of''.

In section 7407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c(b)), as amended by section 10302 of the bill, strike ''of funds of the Commodity'' and insert ''of the funds of the Commodity''.

In the heading of section 10404, strike ''**FARMERS' MARKET PROMOTION PROGRAM**'' and insert ''**FARMER MARKETING ASSISTANCE PROGRAM**''.

Section 6(f)(1) of the Farmer-to-Consumer Direct Marketing Act of 1976, as added by section 10404 of the bill, is amended by striking ''Secretary of Agriculture use'' and inserting ''Secretary of Agriculture shall use''.

Section 6(f)(1)(A) of the Farmer-to-Consumer Direct Marketing Act of 1976, as added by section 10404 of the bill, is amended by striking ''fiscals year'' and inserting ''fiscal years''.

At the end of subtitle E of title X add the following new section:

SEC. ____. HEALTHY FOOD URBAN ENTERPRISE DEVELOPMENT PROGRAM.

(a) PURPOSE.—The purpose of this section is to support farm and ranch income by significantly enhancing a producer's share of the final retail product price through improved access to competitive processing and distribution systems which deliver affordable, locally and regionally produced foods to consumers, and improve food access in underserved communities.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' includes—

(A) a small or midsized processor, distributor, wholesaler, or retail food outlet;

(B) a group of producers operating as a legally recognized marketing alliance;

(C) a producer-owned cooperative;

(D) a nonprofit organization;

(E) an economic development or community development corporation;

(F) a unit of State or local government; and

(G) an academic institution.

(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) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—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)).

(5) UNDERSERVED COMMUNITY.—The term ''underserved community'' includes any community that may have, as determined by the Secretary—

(A) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets;

(B) high incidences of diet-related diseases, including obesity;

(C) high rates of hunger or food insecurity; or

(D) severe or persistent poverty in urban or rural communities, including Indian tribal communities.

(c) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, acting through the head of the market services branch of the Agricultural Marketing Service, shall establish a program under which the Secretary shall provide grants, on a competitive basis, to eligible entities to conduct enterprise feasibility studies (including studies of consumer preference), in accordance with the purpose of this section.

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) COORDINATION WITH OTHER AGENCIES.—In carrying out the program under this subsection, the Secretary shall coordinate, with respect to the development of the program and reviews of grant applications, with—

(A) the Cooperative State Research, Education, and Extension Service; and

(B) the Rural Business Cooperative Service.

(4) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to applications with proposed projects that—

(A) include features effectively targeting participation by socially disadvantaged farmers or ranchers or beginning farmers or ranchers;

(B) increase employment opportunities in underserved communities;

(C) support small and mid-sized farm viability and increase farming opportunities; or

(D) establish and maintain satisfactory environmental and labor standards, including worker protection.

(5) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $250,000.

(6) TERM.—A grant provided under this subsection shall have a term of not more than 3 years.

(7) REPORTS.—

(A) IN GENERAL.—Each eligible entity that receives a grant under this subsection shall submit to the Secretary an annual report describing the results and progress of each feasibility study to ensure sufficient progress is achieved with respect to the goals of the projects carried out by the eligible entity.

(B) PUBLIC AVAILABILITY.—The Secretary shall ensure that any information contained in a report under subparagraph (A) relating to consumer preference or producer availability is made available to the public.

(8) FUNDING.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through 2012 to carry out this section.

(d) GRANT PROGRAM REQUIREMENTS.—

(1) TECHNICAL ASSISTANCE AND OUTREACH.—

(A) IN GENERAL.—The Secretary shall—

(i) provide to the public information relating to the grant programs under this section; and

(ii) provide technical assistance to—

(I) socially disadvantaged farmers or ranchers;

(II) Indian tribal organizations;

(III) low-income populations; and

(IV) other underserved communities and producers.

(B) SERVICE PROVIDERS.—In carrying out subparagraph (A), the Secretary may enter into contracts, on a competitive basis, with entities that, as determined by the Secretary—

(i) demonstrate experience in serving socially disadvantaged farmers or ranchers and other underserved communities and producers;

(ii) include, in the governance structure of the entity, 2 or more members representing

the targeted communities served by the entity; and

(iii) will share information developed or used by the entity with—

(I) researchers;

(II) practitioners; and

(III) other interested parties.

(2) LIMITATIONS.—For purposes of the programs under this section, the Secretary—

(A) shall not give preference to any entity based on an agricultural commodity produced or supported by the entity; and

(B) shall encourage, to the maximum extent practicable, projects that use infrastructure efficiently for more than 1 agricultural product.

(3) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the programs (including the level of participation in each program) under this section, including information relating to—

(A) projects carried out under this section;

(B) characteristics of the agricultural producers and communities served by the projects;

(C) the benefits of the projects;

(D) data necessary to comply with—

(i) section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1); or

(ii) section 8(b)(5)(B) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)); and

(E) outreach and technical assistance activities carried out by the Secretary under paragraph (1).

Strike section 10401.

[MISCELLANEOUS TITLE]

Strike section 11105.

Page 683, line 23, strike ''production'' and insert ''production.''.

Page 684, strike line 5 through page 685, line 9 and insert the following:

''(3) YIELD DETERMINATION BASED ON COUNTY ACTUAL PRODUCTION HISTORY.—If an agricultural commodity ineligible for insurance as described in paragraph (2) is planted for 4 years, beginning with the fifth year in which the commodity is planted, the producer of the commodity may procure crop insurance for the commodity under this title. The yield for such crop insurance shall be determined only—

''(A) by using the actual production history for the farm; and

''(B) for each year in which the farm does not have an actual production history, by using the average actual production history for the commodity in the county in which the farm is located.''.

Page 685, line 20: strike ''that'' and insert ''than''.

At the end of subtitle A of title XI (page 687, after line 19), add the following new sections:

SEC. 11013. NATIONAL DROUGHT COUNCIL AND DROUGHT PREPAREDNESS PLANS.

(a) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the National Drought Council established by this section.

(2) CRITICAL SERVICE PROVIDER.—The term ''critical service provider'' means an entity that provides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DROUGHT.—The term ''drought'' means a natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(4) FUND.—The term ''Fund'' means the Drought Assistance Fund established by this section.

(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) INTERSTATE WATERSHED.—The term ''interstate watershed'' means a watershed that transcends State or Tribal boundaries, or both.

(7) MEMBER.—The term ''member'', with respect to the National Drought Council, means a member of the Council specified or appointed under this section or, in the absence of the member, the member's designee.

(8) MITIGATION.—The term ''mitigation'' means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(9) NEIGHBORING COUNTRY.—The term ''neighboring country'' means Canada and Mexico.

(10) OFFICE.—The term ''Office'' means the National Office of Drought Preparedness established under this section.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(12) STATE.—The term ''State'' means the several States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(13) TRIGGER.—The term ''trigger'' means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

(14) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Agriculture for Natural Resources and Environment.

(15) WATERSHED.—The term ''watershed'' means a region or area with common hydrology, an area drained by a waterway that drains into a lake or reservoir, the total area above a given point on a stream that contributes water to the flow at that point, or the topographic dividing line from which surface streams flow in two different directions. In no case shall a watershed be larger than a river basin.

(16) WATERSHED GROUP.—The term ''watershed group'' means a group of individuals, formally recognized by the appropriate State or States, who represent the broad scope of relevant interests within a watershed and who work together in a collaborative manner to jointly plan the management of the natural resources contained within the watershed.

(b) EFFECT OF SECTION.—This section does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

(c) NATIONAL DROUGHT COUNCIL.—

(1) ESTABLISHMENT.—There is established in the Office of the Secretary of Agriculture a council to be known as the ''National Drought Council''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of—

(i) the Secretary (or the designee of the Secretary);

(ii) the Secretary of Commerce (or the designee of the Secretary of Commerce);

(iii) the Secretary of the Army (or the designee of the Secretary of the Army);

(iv) the Secretary of the Interior (or the designee of the Secretary of the Interior);

(v) the Director of the Federal Emergency Management Agency (or the designee of the Director);

(vi) the Administrator of the Environmental Protection Agency (or the designee of the Administrator);

(vii) 4 members appointed by the Secretary, in coordination with the National Governors Association, each of whom shall be the Governor of a State (or the designee of the Governor) and who collectively shall represent the geographic diversity of the Nation;

(viii) 1 member appointed by the Secretary, in coordination with the National Association of Counties;

(ix) 1 member appointed by the Secretary, in coordination with the United States Conference of Mayors;

(x) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(xi) 1 member appointed by the Secretary, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(B) DATE OF APPOINTMENT.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A non-Federal member of the Council appointed under paragraph (2) shall be appointed for a term of two years.

(B) VACANCIES.—A vacancy on the Council—

(i) shall not affect the powers of the Council; and

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

(C) TERMS OF MEMBERS FILLING VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(4) MEETINGS.—

(A) IN GENERAL.—The Council shall meet at the call of the co-chairs.

(B) FREQUENCY.—The Council shall meet at least semiannually.

(5) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(6) COUNCIL LEADERSHIP.—

(A) IN GENERAL.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(B) APPOINTMENT.—

(i) FEDERAL CO-CHAIR.—The Secretary shall be Federal co-chair.

(ii) NON-FEDERAL CO-CHAIR.—The non-Federal members of the Council shall select, on a biannual basis, a non-Federal co-chair of the Council from among the members appointed under paragraph (2)

(7) DIRECTOR OF THE OFFICE.—

(A) IN GENERAL.—The Director of the Office shall serve as Secretary of the Council.

(B) DUTIES.—The Director of the Office shall serve the interests of all members of the Council.

(d) DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The Council shall—

(A) not later than one year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(i)(I) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and

emergency relief) among Federal agencies; and

(II) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(ii) is consistent with—

(I) this Act and other applicable Federal laws; and

(II) the laws and policies of the States for water management;

(iii) is integrated with drought management programs of the States, Indian tribes, local governments, watershed groups, and private entities; and

(iv) avoids duplicating Federal, State, tribal, local, watershed, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(B) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(i) discrepancies between the goals of the programs and actual service delivery;

(ii) duplication among programs; and

(iii) any other circumstances that interfere with the effective operation of the programs;

(C) make recommendations to the President, Congress, and appropriate Federal Agencies on—

(i) the establishment of common interagency triggers for authorizing Federal drought mitigation programs; and

(ii) improving the consistency and fairness of assistance among Federal drought relief programs;

(D) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under this section;

(E) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(F) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

(i) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(ii) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(iii) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks;

(iv) information on State and local laws applicable to drought; and

(v) opportunities for assistance to resource-dependent businesses and industries in times of drought; and

(G) establish operating procedures for the Council.

(2) CONSULTATION.—In carrying out this subsection, the Council shall consult with groups affected by drought emergencies.

(3) REPORTS TO CONGRESS.—

(A) ANNUAL REPORT.—

(i) IN GENERAL.—Not later than one year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this section.

(ii) INCLUSIONS.—

(I) IN GENERAL.—The annual report shall include a summary of drought preparedness plans.

(II) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council.

(B) FINAL REPORT.—Not later than seven years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(i) amendments to this section; and

(ii) whether the Council should continue.

(e) POWERS OF THE COUNCIL.—

(1) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Except as provided in clause (ii), on request of the Secretary or the non-Federal co-chair of the Council, the head of a Federal agency may provide information to the Council.

(ii) LIMITATION.—The head of a Federal agency shall not provide any information to the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(3) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(f) COUNCIL PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

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

(2) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses 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 Council.

(g) TERMINATION OF COUNCIL.—The Council shall terminate at the end of the eighth fiscal year beginning on or after the date of the enactment of this Act.

(h) NATIONAL OFFICE OF DROUGHT PREPAREDNESS.—

(1) ESTABLISHMENT.—The Secretary shall establish an office to be known as the ''National Office of Drought Preparedness'' to provide assistance to the Council.

(2) DIRECTOR OF THE OFFICE.—

(A) APPOINTMENT.—

(i) IN GENERAL.—The Under Secretary shall appoint a Director of the Office under sections 3371 through 3375 of title 5, United States Code.

(ii) QUALIFICATIONS.—The Director of the Office shall be a person who has experience in—

(I) public administration; and

(II) drought mitigation or drought management.

(B) POWERS.—The Director of the Office may hire such other additional personnel or contract for services with other entities as necessary to carry out the duties of the Office.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—Except for the requirements of section 204, an employee of the Federal Government may be detailed to the Office without reimbursement, unless the Secretary, on the recommendation of the Director of the Office, determines that reimbursement is appropriate.

(B) CIVIL SERVICE STATUS.—The detail of an employee shall be without interruption or loss of civil service status or privilege.

(i) DROUGHT ASSISTANCE FUND.—

(1) ESTABLISHMENT.—There is established within the Department of Agriculture a fund to be known as the ''Drought Assistance Fund''.

(2) PURPOSE.—The Fund shall be used to pay the costs of—

(A) providing technical and financial assistance (including grants and cooperative assistance) to States, Indian tribes, local governments, watershed groups, and critical service providers for the development and implementation of drought preparedness plans;

(B) providing to States, Indian tribes, local governments, watershed groups, and critical service providers the Federal share, as determined by the Secretary, in consultation with the other members of the Council, of the cost of mitigating the overall risk and impacts of droughts;

(C) assisting States, Indian tribes, local governments, watershed groups, and critical service providers in the development of mitigation measures to address environmental, economic, and human health and safety issues relating to drought; and

(D) expanding the technology transfer of drought and water conservation strategies and innovative water supply techniques.

(3) GUIDELINES.—

(A) IN GENERAL.—The Secretary, in consultation with the non-Federal co-chair of the Council and with the concurrence of the Council, shall develop and promulgate guidelines to implement this subsection.

(B) REQUIREMENTS.—The guidelines shall address the following:

(i) Ensure the distribution of amounts from the Fund within a reasonable period of time.

(ii) Take into consideration regional differences.

(iii) Take into consideration all impacts of drought in a balanced manner.

(iv) Prohibit the use of amounts from the Fund for Federal salaries that are not directly related to the provision of drought assistance.

(v) Require that distribution of amounts from the Fund granted to States, local governments, watershed groups, and critical service providers to meet the requirements of this subsection be coordinated with and managed by the State in which such local government or critical service provider is located, consistent with the drought preparedness priorities and relevant water management plans within the State.

(vi) Require that distribution of amounts from the Fund granted to Indian tribes to meet the requirements of this subsection be used to implement plans that are, to the extent practicable, in coordination with each State in which lands of the Indian tribe are located and consistent with existing drought preparedness and water management plans of such States.

(vii) Require that a State, Indian tribe, local government, watershed group, or critical service provider that receives Federal funds under paragraph (2) or (3) of subsection (b) cover not less than 25 percent of the overall cost incurred in carrying out the project for which the Federal funds are provided. This cost sharing requirement may be satisfied using non-Federal grants or cash donations made by non-Federal third parties.

(4) SPECIAL REQUIREMENT FOR INTERSTATE WATERSHEDS.—

(A) DEVELOPMENT OF DROUGHT PREPAREDNESS PLANS.—In order to receive funds under this subsection to develop drought preparedness plans for interstate watersheds, the guidelines shall also require the relevant

States, Indian tribes, or both, in which the watershed is located, to coordinate in the development of the drought preparedness plan. The development of such plans shall—

(i) be consistent with the relevant States' and Tribal water laws, policies, and agreements;

(ii) be consistent and coordinated with any existing interstate stream compacts;

(iii) include the participation of any relevant watershed groups located in the relevant States, Indian tribes, or both; and

(iv) recognize that implementation of the interstate drought preparedness plan will involve further coordination among the relevant States, Indian tribes, or both, except that each State and Indian tribe has sole jurisdiction over implementation of that portion of the watershed that exists within their boundaries.

(B) IMPLEMENTATION OF DROUGHT PREPAREDNESS PLANS.—In order to receive funds under this subsection to implement drought preparedness plans for interstate watersheds, the guidelines shall also require, to the extent practicable, the relevant States, Indian tribes, or both, in which the watershed is located, to coordinate in the implementation of the drought preparedness plan, recognizing the sovereignty of the States and Indian tribes. Implementation of interstate drought preparedness plans shall—

(i) be contingent upon the existence of a drought preparedness plan, but not require the distribution of funds to all States and Indian tribes in which the watershed is located;

(ii) consider the level of impact within the watershed on each of the relevant States, Indian tribes, or both; and

(iii) not impede on State water rights established as of the date of enactment of this Act.

(j) DROUGHT PREPAREDNESS PLANS.—

(1) IN GENERAL.—The Secretary shall—

(A) with the concurrence of the Council, jointly develop guidelines for administering a national program to provide technical and financial assistance to States, Indian tribes, local governments, watershed groups, and critical service providers for the development, maintenance, and implementation of drought preparedness plans; and

(B) promulgate the guidelines developed under subparagraph (A).

(2) REQUIREMENTS.—To build on the experience and avoid duplication of efforts of Federal, State, local, tribal, and regional drought plans in existence on the date of enactment of this Act, the guidelines may recognize and incorporate those plans.

(3) FEDERAL PLANS.—

(A) IN GENERAL.—The Secretary and other appropriate Federal agency heads shall develop and implement Federal drought preparedness plans for agencies under the jurisdiction of the appropriate Federal agency head.

(B) REQUIREMENTS.—The Federal plans—

(i) shall be integrated with each other;

(ii) may be included as components of other Federal planning requirements;

(iii) shall be integrated with drought preparedness plans of State, tribal, and local governments that are affected by Federal projects and programs; and

(iv) shall be completed not later than two years after the date of the enactment of this Act.

(4) STATE AND TRIBAL PLANS.—States and Indian tribes may develop and implement State and tribal drought preparedness plans that—

(A) address monitoring of resource conditions that are related to drought;

(B) identify areas that are at a high risk for drought;

(C) describes mitigation strategies to address and reduce the vulnerability of an area to drought; and

(D) are integrated with State, tribal, and local water plans in existence on the date of enactment of this Act.

(5) REGIONAL AND LOCAL PLANS.—Local governments, watershed groups, and regional water providers may develop and implement drought preparedness plans that—

(A) address monitoring of resource conditions that are related to drought;

(B) identify areas that are at a high risk for drought;

(C) describe mitigation strategies to address and reduce the vulnerability of an area to drought; and

(D) are integrated with corresponding State plans.

(6) PLAN ELEMENTS.—A drought preparedness plan—

(A) shall be consistent with Federal and State laws, contracts, and policies;

(B) shall allow each State to continue to manage water and wildlife in the State;

(C) shall address the health, safety, and economic interests of those persons directly affected by drought;

(D) shall address the economic impact on resource-dependent businesses and industries, including regional tourism;

(E) may include—

(i) provisions for water management strategies to be used during various drought or water shortage thresholds, consistent with State water law;

(ii) provisions to address key issues relating to drought (including public health, safety, economic factors, and environmental issues such as water quality, water quantity, protection of threatened and endangered species, and fire management);

(iii) provisions that allow for public participation in the development, adoption, and implementation of drought plans;

(iv) provisions for periodic drought exercises, revisions, and updates;

(v) a hydrologic characterization study to determine how water is being used during times of normal water supply availability to anticipate the types of drought mitigation actions that would most effectively improve water management during a drought;

(vi) drought triggers;

(vii) specific implementation actions for droughts;

(viii) a water shortage allocation plan, consistent with State water law; and

(ix) comprehensive insurance and financial strategies to manage the risks and financial impacts of droughts; and

(F) shall take into consideration—

(i) the financial impact of the plan on the ability of the utilities to ensure rate stability and revenue stream; and

(ii) economic impacts from water shortages.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) COUNCIL.—There is authorized to be appropriated to carry out the activities of the Council $2,000,000 for fiscal year 2008 and for each of the subsequent seven fiscal years.

(2) FUND.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out subsection (i).

SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''paragraph (4)'' and inserting ''paragraphs (4), (6), and (7)''; and

(2) by adding at the end the following:

''(6) PREMIUM SUBSIDY FOR AREA REVENUE PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a reduction in revenue in an area, the amount of the premium paid by the Corporation shall be as follows:

''(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 75 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(B) In the case of additional area coverage equal to or greater than 75 percent, but less than 85 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(C) In the case of additional area coverage equal to or greater than 85 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 49 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(D) In the case of additional area coverage equal to or greater than 90 percent of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 44 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(7) PREMIUM SUBSIDY FOR AREA YIELD PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a loss of yield or prevented planting in an area, the amount of the premium paid by the Corporation shall be as follows:

''(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 80 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(B) In the case of additional area coverage equal to or greater than 80 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 55 percent of the amount of the premium established under subsection

(d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(C) In the case of additional area coverage equal to or greater than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 51 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.''.

Page 715, strike lines 13 through 25 and insert the following:

''(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, or goat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

''(i) exclusively born, raised, and slaughtered in the United States;

''(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

''(iii) present in the United States on or before January 1, 2008.''.

Page 718, strike lines 16 through 22 and insert the following:

''(4) DESIGNATION OF COUNTRY OF ORIGIN FOR PERISHABLE AGRICULTURAL COMMODITIES AND PEANUTS.—

''(A) IN GENERAL.—A retailer of a covered commodity that is a perishable agricultural commodity or peanut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

''(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a perishable agricultural commodity produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin.''; and

Page 720, line 22 strike ''; and'' and insert ''.''.

Page 720, strike line 23 and all that follows through page 721, line 9.

Page 724, line 11, strike ''farmers and rancher'' and insert ''farmers and ranchers''.

Page 725, beginning line 8, strike clause (ii) regarding matching funds.

Page 727, beginning line 8, strike subsection (b).

Page 733, line 22, strike ''and''.

Page 734, line 2, strike the period and insert ''; and''.

Page 734, after line 2, insert the following:

(3) the coordination of the outreach activities among the various agencies within the Department.

(c) REPORT.—After the relocation described in this section is completed, the Secretary shall submit to Congress a report that includes information describing the new location of the program.

Page 734, line 23, strike ''and''.

Page 735, line 2, strike the period and insert ''; and''.

Page 735, beginning line 2, insert the following new paragraph:

(7) review ongoing efforts toward outreach in the agencies and programs of the Department.

Redesignate sections 11308, 11309, and 11310 as sections 11307, 11308, and 11309, respectively.

Page 739, line 24, strike ''teach'' and insert ''each''.

At the end of title XI, add the following new sections:

SEC. 11310. SENSE OF CONGRESS REGARDING FOOD DESERTS, GEOGRAPHICALLY ISOLATED NEIGHBORHOODS AND COMMUNITIES WITH LIMITED OR NO ACCESS TO MAJOR CHAIN GROCERY STORES.

It is the sense of Congress that the Secretary of Agriculture, in conjunction with the National Institutes of Health, the Centers for Disease Control, the Institute of Medicine and faith-based organizations, should—

(1) conduct a national assessment of food deserts in the United States, namely those geographically isolated neighborhoods and communities with limited or no access to major-chain grocery stores; and

(2) develop recommendations for eliminating food deserts.

SEC. 11311. PIGFORD CLAIMS.

(a) IN GENERAL.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action, obtain that determination.

(b) LIMITATION.—Notwithstanding any other provision of law—

(1) All payments or debt relief (including any limitation on foreclosure under subsection (f)) made pursuant to an action commenced under subsection (a) shall be made exclusively from funds made available pursuant to subsection (h), Provided that the total amount of payments and debt relief pursuant to an action commenced under subsection (a) shall not exceed $100,000,000; and,

(2) In no event may such payments or debt relief be made from the Judgement Fund established by 31 U.S.C. 1304.

(c) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim denied that determination.

(d) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—Not later than 60 days after the Secretary of Agriculture receives notice of a complaint filed by a claimant under subsection (a), the Secretary shall provide to the claimant a report on farm credit loans made within the claimant's county or adjacent county by the Department during the period beginning on January 1 of the year preceding the year or years covered by the complaint and ending on December 31 of year following such year or years. Such report shall contain information on all persons whose application for a loan was accepted, including—

(A) the race of the applicant;

(B) the date of application;

(C) the date of the loan decision;

(D) the location of the office making the loan decision; and

(E) all data relevant to the process of deciding on the loan.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person that applied for a loan from the Department of Agriculture.

(e) EXPEDITED RESOLUTIONS AUTHORIZED.—Any person filing a complaint under this Act for discrimination in the application for, or making or servicing of, a farm loan, at his or her discretion, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the discrimination that is the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(1) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove his or her case by substantial evidence; and

(2) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(f) LIMITATION ON FORECLOSURES.—The Secretary of Agriculture may not begin acceleration on or foreclosure of a loan if a borrower is a Pigford claimant and, in an appropriate administrative proceeding, makes a prima facie case that the foreclosure is related to a Pigford claim.

(g) DEFINITIONS.—In this Act—

(1) the term ''Pigford claimant'' means an individual who previously submitted a late-filing request under section 5(g) of the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999; and

(2) the term ''Pigford claim'' means a discrimination complaint, as defined by section 1(h) of that consent decree and documented under section 5(b) of that consent decree.

(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $100,000,000 for fiscal year 2008, to remain available until expended, for payments and debt relief in satisfaction of claims against the United States under subsection (a), and for any actions made pursuant to subsection (f).

SEC. 11312. COMPTROLLER GENERAL STUDY OF WASTEWATER INFRASTRUCTURE NEAR UNITED STATES-MEXICO BORDER.

The Comptroller General shall conduct a study of the state of wastewater infrastructure in rural communities within 150 miles of the United States-Mexico border to determine what the Federal Government can do to assist border rural communities in bringing wastewater infrastructure up to date.

Page 189, line 8, strike ''1,000,000'' and insert ''1,340,000''.

Strike section 3005 (relating to McGovern-Dole International Food for Education and Child Nutrition Program) and insert the following:

SEC. 3005. REAUTHORIZATION OF MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) ADMINISTRATION OF PROGRAM.—Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1) is amended—

(1) in subsection (d), in the matter preceding paragraph (1), by striking ''The President shall designate 1 or more Federal agencies to'' and inserting ''The Secretary shall'';

(2) in subsection (f)(2), in the matter preceding subparagraph (A), by striking ''implementing agency'' and inserting ''Secretary''; and

(3) in subsections (c)(2)(B), (f)(1), (h)(1) and (2), and (i), by striking ''President'' each place it appears and inserting ''Secretary''.

(b) FUNDING.—Section 3107(l) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(l)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

''(A) $0 for fiscal year 2008;

''(B) $140,000,000 for fiscal year 2009;

''(C) $170,000,000 for fiscal year 2010;

''(D) $230,000,000 for fiscal year 2011;

''(E) $300,000,000 for fiscal year 2012; and

''(F) $0 for fiscal year 2013.'';

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as redesignated by paragraph (2)), by striking ''any Federal agency implementing or assisting'' and inserting ''the Department of Agriculture or any other Federal agency assisting''.

Strike section 11001.

At the end of subtitle A of title XI add the following new section:

SEC. 1101__. SHARE OF RISK.

(a) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(1) by striking ''require the'' and inserting ''require—

''(A) the'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B)(i) the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 12.5 percent; and

''(ii) the Corporation to pay a ceding commission to reinsured companies of 2 percent of the premium used to define the loss ratio for the approved insurance provider's book of business that is described in clause (i).''.

(b) CONFORMING AMENDMENTS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following new subparagraph:

''(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).''.

(c) EFFECTIVE DATE.—This section shall take effect on the first June 30th after the date of the enactment of this Act.

At the end of title XI add the following new section:

SEC. 113___. ELIMINATION OF STATUTE OF LIMITATIONS APPLICABLE TO COLLECTION OF DEBT BY ADMINISTRATIVE OFFSET.

(a) ELIMINATION.—Section 3716(e) of title 31, United States Code, is amended to read as follows:

''(e)(1) Notwithstanding any other provision of law, regulation, or administrative limitation, no limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.

''(2) This section does not apply when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any debt outstanding on or after the date of the enactment of this Act.

At the end of the bill add the following new title:

TITLE XII—ADDITIONAL OFFSETS

Subtitle A—Conservation of Resources Fees and Repeal of Royalty Relief

SEC. 12001. CONSERVATION OF RESOURCES FEES.

(a) CONSERVATION OF RESOURCES FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico.

(2) FEE TERMS.—The fee under paragraph (1)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at $9 per barrel for oil and $1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds $34.73 per barrel for oil and $4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(b) COVERED LEASE DEFINED.—In this section the term ''covered lease'' means a lease for oil or gas production in the Gulf of Mexico that is—

(1) in existence on the date of enactment of this Act;

(2) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104–58); and

(3) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

SEC. 12002. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED ROYALTY RELIEF FOR THE OIL AND GAS INDUSTRY.

(a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT OF 2005.—The following provisions of the Energy Policy Act of 2005 (Public Law 109–58) are repealed:

(1) Section 344 (42 U.S.C. 15904; relating to incentives for natural gas production from deep wells in shallow waters of the Gulf of Mexico).

(2) Section 345 (42 U.S.C. 15905; relating to royalty relief for deep water production in the Gulf of Mexico).

(3) Subsection (i) of section 365 (42 U.S.C. 15924; relating to the prohibition on drilling-related permit application cost recovery fees).

(b) PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska'' after ''West longitude''.

(c) PROVISIONS RELATING TO NAVAL PETROLEUM RESERVE IN ALASKA.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as transferred, redesignated, moved, and amended by section 347 of the Energy Policy Act of 2005 (119 Stat. 704)) is amended—

(1) in subsection (i) by striking paragraphs (2) through (6); and

(2) by striking subsection (k).

SEC. 12003. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.50 percent'' and inserting ''115.75 percent''.

Subtitle B—Allocation of Offsets

SEC. 12011. REPORT ON FUNDS; RATE OF FEDERAL CROP INSURANCE.

(a) REPORT.—Not later than the September 15 preceding each fiscal year, the Secretary of the Interior shall report to the Secretary of Agriculture the total amount expected to be received in the fiscal year as a result of the changes in subtitle A.

(b) RATE.— Notwithstanding section 508(k)(4)(A)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)(ii)), the reimbursement rate established for each of the reinsurance years 2012 through 2017 shall be the lesser of—

(1) the rate established in such section; and

(2) the product of—

(A) the rate established in such section; and

(B) the factor calculated in subsection (c).

(c) CALCULATION.—In carrying out subsection (b), the Secretary of the Interior shall calculate the appropriate factor by dividing the amount calculated under subsection (a) for the fiscal year by the amount calculated under subsection (a) for fiscal year 2012.

Page 667, line 16, strike ''2'' and insert ''2.9''.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SUTTON (at the request of Mr. HOYER) for today.

Mr. MCNULTY (at the request of Mr. HOYER) for today and until 2:00 p.m. July 31 on account of travel delays related to weather.

Mr. HAYES (at the request of Mr. BOEHNER) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRIJALVA) to revise and extend their remarks and include extraneous material:)

Mr. RUSH, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. COURTNEY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today, July 31, August 1, and 2.

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. BURGESS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Tuesday, July 31, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2723. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs-Model Demonstration Projects to Improve the Postsecondary and Employment Outcomes of Youth with Disabilities — received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2724. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — The Individuals With Disabilities Education Act Paperwork Waiver Demonstration Program (RIN: 1820-ZA42) received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2725. A letter from the Assistant General Counsel for Regulations Office of General Counsel, Department of Education, transmitting the Department's final rule — The Individuals With Disabilities Education Act Multi-Year Individualized Education Program Demonstration Program (RIN: 1820-ZA41) received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2726. A letter from the Assistant General Counsel for Regulations Office of General Counsel, Department of Education, transmitting the Department's final rule — Technical Assistance on Data Collection-Technical Assistance Center for Data Collection, Analysis, and Use for Accountability in Special Education and Early Intervention — received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2727. A letter from the Assistant General Counsel for Regulations Office of General Counsel, Department of Education, transmitting the Department's final rule — Technical Assistance on Data Collection-General Supervision Enhancement Grants — received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2728. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research-Disability and Rehabilitation Research Projects and Centers Program-Rehabilitation Research and Training Centers (RRTCs) — received July 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2729. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Technical Assistance on Data Collection—General Supervision Enhancement Grants — received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2730. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Orthopedic Devices; Reclassification of the Intervertebral Body Fusion Device [Docket No. 2006N-0019) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2731. A letter from the Principal Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Implementation Plan Revision; State of New Jersey [Docket No. EPA-R02-OAR-2006-0162, FRL-8444-9] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2732. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Clarification of Visible Emission Exceptions [EPA-R03-OAR-2005-MD-0002; FRL-8447-6] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; States of Arizona and Nevada; Interstate Transport of Pollution [EPA-R09-OAR-2007-0295 FRL-8443-5] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of New Jersey's Title V Operating Permit Program Revision [Docket No. EPA-R02-OAR-2006-0963, FRL-8446-4] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2007-0236; FRL-8444-3] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2736. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ashland, Greensburg, and Kinsley, Kansas; and Alva, Medford, and Mustang, Oklahoma) [MB Docket No. 06-65 RM-11320 RM-11335] received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2737. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Broken Bow and Millerton, Oklahoma) [MB Docket No. 05-328 RM-10577 RM-11343 RM-11344] received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2738. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Sections 73.62 and 73.1350 of the Commission's Rules [MB Docket No. 03-151] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2739. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Akron, Colorado) Reclassification of License of Station KRFX(FM), Denver, Colorado [MB Docket No. 05-102 RM-10630] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2740. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fredericksburg, Converse, Flatonia, Georgetown, Ingram, Lake way, Lagos Vista, Llano, McQueen, Nolensville, San Antonio, and Waco, Texas) Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Llano, Junction and Goldthwaite, Texas) [MB Docket No. 05-112 RM-11185 RM-11374 MB Docket No. 05-151 RM-11222 RM-11258] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2741. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Redding, Cottonwood, and Shasta Lake, California) [MB Docket No. 05-131 RM-11208 RM-11209 RM-11367 RM-11368 RM-11369] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2742. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Wireless Operations in the 3650-3700 MHz Band Rules for Wireless Broadband Services in the 3650-3700 MHz Band Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3GHz Band [ET Docket No. 04-151 WT Docket No. 05-96 ET Docket No. 02-380] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2743. A letter from the Acting Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Sunset of the Cellular Radiotelephone Service Analog Service Requirement and Related Matters [RM No. 11355] received July 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2744. A letter from the Director, Office of Civil Rights, Broadcasting Board of Governors, transmitting the Board's FY 2006 report, pursuant the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

2745. A letter from the Acting White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2746. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2747. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2748. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's Fiscal Year 2006 Inventory of Inherently Governmental and Commercial Activities, as required by OMB Circular A-76 and the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

2749. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2750. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2751. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2752. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for FY 2006 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2753. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2754. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2768. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2769. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2770. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2771. A letter from the Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2006 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

2772. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Veterans' Preference (RIN: 3206-AL33) received July 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2773. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2774. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2007 through June 30, 2007 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 110–52); to the Committee on House Administration and ordered to be printed.

2775. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements [Docket No. 061016268-7080-02; I.D. 100506E] (RIN: 0648-AU80) received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2776. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XA75) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2777. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 13 [Docket No. 070322065-7114-02; I.D. 030607C] (RIN: 0648-AV39) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2778. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Federal Marine Aquatic Life Water Quality Criteria For Toxic Pollutants Applicable to Washington State [EPA-HQ-OW-2007-0467; FRL-8337-2] (RIN: NA2040) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2779. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Pollutant Discharge Elimination System-Suspension of Regulations Establishing Requirements for Cooling Water Intake Structures at Phase II Existing Facilities [EPA-HQ-OW-2002-0049; FRL-8336-9] (RIN: 2040-AD62) received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2780. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL CORRECTION: VOLUNTARY RELIQUIDATION OF DEEMED LIQUIDATED ENTRIES [CBP Dec. 07-62] received July 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2781. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Amendment of Tacking Rule Requirements of Life-Nonlife Consolidated Regulations [TD 9342] (RIN: 1545-BE85) received July 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2782. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2007-50) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2783. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Excess Loss Accounts [TD 9341] (RIN: 1545-BE87) received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2784. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revised Civil Money Penalties, Assessments, Exclusions, and Related Appeals Procedures [CMS-6146-F] [CMS-6019-F] (RIN: 0938-AM98; 0938-AN48) received July 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of July 27, 2007]

Mr. FILNER: Committee on Veterans' Affairs. H.R. 23. A bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; with amendments (Rept. 110–269 Pt. 1). Ordered to be printed.

[Filed on July 30, 2007]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2722. A bill to

restructure the Coast Guard Integrated Deepwater Program, and for other purposes; with an amendment (Rept. 110–270). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 673. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Indian Tribe, and for other purposes; with amendments (Rept. 110–271). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1696. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe (Rept. 110–272). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2120. A bill to direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe; with an amendment (Rept. 110–273). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2863. A bill to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe; with an amendment (Rept. 110–274). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2952. A bill to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe; with an amendment (Rept. 110–275). Referred to the Committee of the whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes (Rept. 110–276). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 2347. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; with an amendment. (Rept. 110–277, Pt. 1). Ordered to be printed.

Mr. FRANK: Committee on Financial Services. House Concurrent Resolution 140. Resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry; with an amendment (Rept. 110–278, Pt. 1). Ordered to be printed.

Mr. MURTHA: Committee on Appropriations. H.R. 3222. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–279). Referred to the committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[Omitted from the Record of July 27, 2007]

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 23 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[The following actions occurred on July 30, 2007]

Pursuant to clause 2 of rule XII the Committees on Education and Labor and Oversight and Government Reform discharged from further consideration. H.R. 2347 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on Education and Labor discharged from further consideration. H. Con. Res. 140 referred to the Committee of the Whole House on the Status of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. PELOSI (for herself, Mr. HOYER, Mr. CLYBURN, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. VAN HOLLEN, Mr. BECERRA, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. OBERSTAR, Mr. RAHALL, Mr. LANTOS, Mr. GORDON, Mr. PETERSON of Minnesota, Ms. VELÁZQUEZ, and Mr. MARKEY):

H.R. 3220. A bill moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Foreign Affairs, Small Business, Science and Technology, Agriculture, Oversight and Government Reform, Natural Resources, Transportation and Infrastructure, Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself, Mr. HOYER, Mr. CLYBURN, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. VAN HOLLEN, Mr. BECERRA, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. OBERSTAR, Mr. RAHALL, Mr. LANTOS, Mr. GORDON, Mr. PETERSON of Minnesota, Ms. VELÁZQUEZ, and Mr. MARKEY):

H.R. 3221. A bill moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Foreign Affairs, Small Business, Science and Technology, Agriculture, Oversight and Government Reform, Natural Resources, Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself and Mrs. CAPPS):

H.R. 3223. A bill to amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure coastal access for commercial and recreational fishermen and other water-dependent coastal-related businesses, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself and Mr. KUHL of New York):

H.R. 3224. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. CASTLE (for himself and Mr. MOORE of Kansas):

H.R. 3225. A bill to require the Securities and Exchange Commission to improve the disclosure of fees and expenses of open-end investment companies registered under the Investment Company Act of 1940; to the Committee on Financial Services.

By Ms. DELAURO (for herself, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. MCDERMOTT, Mr. HINCHEY, and Mr. SHAYS):

H.R. 3226. A bill to enable States to acquire hybrid motor vehicles to satisfy certain fleet acquisition requirements; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Washington (for himself, Mr. LARSEN of Washington, Mrs. MCMORRIS RODGERS, and Mr. DICKS):

H.R. 3227. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself, Mr. HALL of New York, Mr. ENGEL, and Mr. HINCHEY):

H.R. 3228. A bill to require the Nuclear Regulatory Commission to retain and redistribute certain amounts collected as fines; to the Committee on Energy and Commerce.

By Mr. WESTMORELAND (for himself and Mr. BISHOP of Georgia):

H.R. 3229. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center; to the Committee on Financial Services.

By Ms. ZOE LOFGREN of California:

H.J. Res. 47. A joint resolution disapproving the rule submitted to the Congress by U.S. Citizenship and Immigration Services on June 6, 2007, relating to adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule; to the Committee on the Judiciary.

By Mrs. BIGGERT (for herself, Mr. KANJORSKI, Mr. BACHUS, and Mr. HINOJOSA):

H. Res. 584. A resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''; to the Committee on Oversight and Government Reform.

By Ms. JACKSON-LEE of Texas (for herself, Mr. POE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. GONZALEZ, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. REYES, Mr. ORTIZ, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. CARTER, Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. HALL of Texas, Mr. MCCAUL of Texas, Ms. GRANGER, Mr. GOHMERT, Mr. HENSARLING, Mr. PAUL, Mr. CULBERSON, Mr. BURGESS, and Mr. LEWIS of Georgia):

H. Res. 585. A resolution honoring the extraordinary life of legendary reporter, television personality, international humanitarian, and Houston icon Marvin Harold Zindler, who championed the cause of the economically powerless, politically underrepresented, and physically ill and disabled in Houston, across the nation, and around the world; to the Committee on Oversight and Government Reform.

By Ms. DEGETTE:

H. Res. 586. A resolution congratulating East High School of Denver, Colorado, on

winning the 2007 ''We the People: The Citizen and the Constitution'' national competition; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Ms. SUTTON, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. MICHAUD, Mr. JONES of North Carolina, Mr. ALLEN, Mr. GRIJALVA, Mr. HARE, Mr. ELLISON, Ms. SOLIS, Mr. GOODE, Mr. VISCLOSKY, Mr. BRALEY of Iowa, Mr. OBERSTAR, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Mr. MOLLOHAN, Mr. KUCINICH, Mr. LIPINSKI, Mr. DEFAZIO, Ms. LEE, Ms. SLAUGHTER, Mr. RYAN of Ohio, Mr. FILNER, Mr. PALLONE, and Mr. COHEN):

H. Res. 587. A resolution expressing the sense of the House of the Representatives that legislation to renew or grant fast track trade negotiating authority should not be considered by the House of Representatives in the 110th Congress; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

146. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 129 urging members of the Pennsylvania Congressional delegation to support legislation to repeal Section 1221 of the Energy Policy Act of 2005; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

147. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 126 urging the Pennsylvania Congressional delegation to support measures that repeal the REAL ID Act or to delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights and liberties of citizens of this country; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

148. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 248 opposing the implemenation of the REAL ID Act of 2005; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHABOT:

H.R. 3230. A bill for the relief of Maha Dakar; to the Committee on the Judiciary.

By Mr. LINCOLN DIAZ-BALART of Florida:

H.R. 3231. A bill for the relief of Alejandro Gomez and Juan Sebastian Gomez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 176: Ms. NORTON.

H.R. 180: Mr. BRADY of Pennsylvania, Ms. ROS-LEHTINEN, Mr. PASCRELL, Mr. MCNERNEY, Mr. LIPINSKI, Mr. DAVIS of Alabama, Mr. TOWNS, Mr. CLYBURN, Mr. HARE, Ms. ZOE LOFGREN of California, Mr. MEEKS of New York, Mr. WELCH of Vermont, Ms. DEGETTE, Mr. HINOJOSA, Mr. SMITH of Washington, Ms. BORDALLO, Mr. INGLIS of South Carolina, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Mr. HOYER, and Mr. BILIRAKIS.

H.R. 346: Mr. ROGERS of Alabama.

H.R. 471: Mr. MCCAUL of Texas.

H.R. 550: Mr. ROTHMAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WYNN, and Mr. HALL of New York.

H.R. 551: Mr. ROYCE, Mr. BECERRA, and Mr. FRANK of Massachusetts.

H.R. 585: Mr. FRANK of Massachusetts.

H.R. 784: Mr. FRANK of Massachusetts.

H.R. 840: Ms. SUTTON.

H.R. 871: Ms. MATSUI.

H.R. 957: Mrs. BLACKBURN, and Ms. ZOE LOFGREN of California.

H.R. 1000: Mrs. CAPPS, Mr. BARROW, Mr. COOPER, Mr. OBEY, Ms. DELAURO, Mr. HOLT, Mr. MCDERMOTT, Mr. GRIJALVA, and Ms. BORDALLO.

H.R. 1030: Mr. BOUCHER.

H.R. 1032: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1076: Mr. SPACE, and Mr. GORDON.

H.R. 1125: Mr. BOUSTANY, Mr. BILBRAY, Mr. DANIEL E. LUNGREN of California, Mr. LEWIS of California, Mr. BACA, Mr. GILCHREST, and Mr. ALEXANDER.

H.R. 1174: Mr. DUNCAN.

H.R. 1228: Mr. SHIMKUS.

H.R. 1237: Ms. WOOLSEY, Mr. DONNELLY, Mr. KILDEE, and Mr. HALL of Texas.

H.R. 1275: Ms. HIRONO and Mr. ABERCROMBIE.

H.R. 1302: Ms. KILPATRICK and Mr. WU.

H.R. 1306: Mr. KELLER.

H.R. 1350: Mr. WALSH of New York.

H.R. 1363: Mr. KLEIN of Florida, Ms. KILPATRICK, and Mr. DEFAZIO.

H.R. 1422: Mrs. MCCARTHY of New York and Mr. STARK.

H.R. 1464: Mr. SESTAK.

H.R. 1537: Mr. SESTAK.

H.R. 1539: Mr. MILLER of Florida and Mrs. DRAKE.

H.R. 1553: Ms. HIRONO and Mr. HALL of Texas.

H.R. 1567: Mr. ACKERMAN, Mr. WU, Ms. DELAURO , Mr. COHEN, Mr. TOWNS, Ms. KILPATRICK, Mr. CAPUANO, and Mr. FATTAH.

H.R. 1609: Mr. PALLONE and Ms. ZOE LOFGREN of California.

H.R. 1653: Mr. CLAY.

H.R. 1671: Mr. HOLT.

H.R. 1687: Ms. MATSUI.

H.R. 1691: Mr. WAXMAN and Ms. DELAURO.

H.R. 1713: Ms. DELAURO.

H.R. 1721: Mr. KENNEDY.

H.R. 1767: Mr. JORDAN, Mr. BISHOP of Georgia, and Mr. HALL of Texas.

H.R. 1772: Mr. STUPAK.

H.R. 1783: Mr. COURTNEY, Mr. HASTINGS of Florida, Mr. KUHL of New York, Mr. ROTHMAN, and Mr. GORDON.

H.R. 1818: Mr. GORDON.

H.R. 1843: Mr. MCHUGH.

H.R. 1884: Mr. ELLISON.

H.R. 1927: Mr. FRANK of Massachusetts.

H.R. 1971: Mr. WEINER.

H.R. 2015: Ms. DELAURO, Mr. BAIRD, and Mr. COOPER.

H.R. 2060: Mr. YOUNG of Alaska.

H.R. 2095: Mr. PERLMUTTER, Mr. BISHOP of Georgia, Ms. BALDWIN, and Mr. STARK.

H.R. 2112: Mr. INSLEE.

H.R. 2131: Mr. DONNELLY and Mr. PAYNE.

H.R. 2188: Mr. BOSWELL.

H.R. 2274: Mr. SARBANES, and Mr. GORDON.

H.R. 2295: Mr. BACHUS.

H.R. 2343: Mr. EHLERS.

H.R. 2373: Mr. WEINER.

H.R. 2385: Mr. GORDON.

H.R. 2449: Ms. MCCOLLUM of Minnesota.

H.R. 2464: Mr. PRICE of North Carolina, Mr. HINOJOSA, and Mr. THOMPSON of California.

H.R. 2511: Mr. GERLACH, Mr. ABERCROMBIE, Mr. PAYNE, Ms. HERSETH SANDLIN, Mr. HINOJOSA, Mr. CASTLE, and Mr. SPACE.

H.R. 2550: Mr. JONES of North Carolina, Mr. BOYD of Florida, Mr. YOUNG of Alaska, Mr. ALEXANDER, Ms. CORRINE BROWN of Florida, and Mr. DEFAZIO.

H.R. 2576: Mr. WYNN and Mr. DAVIS of Illinois.

H.R. 2583: Ms. HIRONO and Mr. SNYDER.

H.R. 2584: Mr. SNYDER.

H.R. 2634: Mr. FATTAH and Mr. KUCINICH.

H.R. 2677: Mr. KIND.

H.R. 2715: Ms. HIRONO.

H.R. 2790: Mr. HOLDEN and Ms. BERKLEY.

H.R. 2821: Mr. DAVIS of Illinois.

H.R. 2885: Mr. FEENEY.

H.R. 2894: Mr. COHEN, Mr. DAVIS of Illinois, and Mrs. JONES of Ohio.

H.R. 2924: Ms. CARSON and Ms. HOOLEY.

H.R. 2926: Mr. BISHOP of Georgia.

H.R. 2927: Mr. COBLE, Mr. MCHENRY, Mr. KLINE of Minnesota, and Mr. PRICE of Georgia.

H.R. 2934: Mr. LOBIONDO.

H.R. 2943: Mr. FRANK of Massachusetts, Ms. CARSON, and Ms. MATSUI.

H.R. 2966: Ms. HIRONO.

H.R. 3008: Mr. SPACE.

H.R. 3010: Ms. SUTTON, Mr. KUCINICH, and Mr. DAVIS of Illinois.

H.R. 3026: Mr. LAMBORN, Mr. YOUNG of Alaska, Mr. HUNTER, Mr. SAXTON, Mr. MCHUGH, Mr. ROGERS of Alabama, Mr. EDWARDS, Mrs. GILLIBRAND, Mr. ROGERS of Michigan, Mrs. MUSGRAVE, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. DANIEL E. LUNGREN of California, Mr. CARTER, Mr. CONAWAY, Mr. FEENEY, Mr. TIAHRT, Mrs. CAPITO, Mr. COLE of Oklahoma, Mr. BLUNT, Mr. KIRK, Mr. LEWIS of California, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. MANZULLO, Mr. FORTENBERRY, Mrs. MCMORRIS RODGERS, Mr. CANTOR, Mr. GOHMERT, Mr. TOM DAVIS of Virginia, Mrs. MILLER of Michigan, and Mr. DREIER.

H.R. 3029: Mr. WAXMAN.

H.R. 3035: Ms. DELAURO, Mr. GINGREY, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mrs. MYRICK, Mr. BISHOP of Georgia, Mr. WOLF, Mr. SOUDER, Mr. OBEY, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mrs. NAPOLITANO, Mr. STEARNS, Mr. KIRK, Mr. SNYDER, Mr. HARE, Mr. HENSARLING, Mr. PASCRELL, Mr. PALLONE, Mrs. CHRISTENSEN, Mr. CLAY, and Mr. MORAN of Virginia.

H.R. 3046: Ms. BORDALLO and Mr. DEFAZIO.

H.R. 3062: Ms. BORDALLO, Mr. MEEKS of New York, Mr. ENGEL, Mr. SIRES, Mrs. CHRISTENSEN, Mr. CROWLEY, and Mr. HONDA.

H.R. 3077: Mr. MICA, Mr. DEFAZIO, Mr. ROHRABACHER, and Ms. SHEA-PORTER.

H.R. 3087: Ms. HIRONO and Mr. SHAYS.

H.R. 3089: Mr. BURTON of Indiana and Mr. YOUNG of Alaska.

H.R. 3090: Mr. ENGLISH of Pennsylvania.

H.R. 3099: Ms. BERKLEY.

H.R. 3109: Mr. SIMPSON and Mr. BRADY of Pennsylvania.

H.R. 3114: Mr. LARSON of Connecticut, Mr. ALLEN, Mr. DELAHUNT, Mr. PAYNE, Mr. HINCHEY, Mr. HALL of New York, Mr. PALLONE, and Mr. MCGOVERN.

H.R. 3123: Mr. PAYNE.

H.R. 3132: Mr. CLEAVER, Mr. SIRES, and Ms. KILPATRICK.

H.R. 3140: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BOSWELL.

H.R. 3167: Ms. NORTON, Ms. CARSON, Mr. WELCH of Vermont, and Mr. SMITH of Washington.

H.R. 3175: Mr. MORAN of Virginia, Ms. SCHAKOWSKY, and Ms. DELAURO.

H.R. 3195: Mr. BONNER, Mr. SESTAK, Mr. BRADY of Pennsylvania, Mr. HARE, Mr. MOLLOHAN, Mr. KAGEN, Mr. HINCHEY, Mr. EDWARDS, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 138: Mr. BOREN and Mr. KILDEE.
H. Con. Res. 162: Ms. SCHAKOWSKY.
H. Con. Res. 163: Mrs. LOWEY.
H. Con. Res. 181: Mr. REYES, Ms. LORETTA SANCHEZ of California, Ms. SHEA-PORTER, and Mr. JONES of North Carolina.
H. Con. Res. 188: Mr. NADLER, Mr. WEINER, and Ms. CASTOR.
H. Con. Res. 193: Mr. ROSS, Mr. COURTNEY, Mr. MICHAUD, Mr. ARCURI, and Mr. TANNER.
H. Res. 32: Ms. WATSON, Mr. WEXLER, Mr. SCOTT of Georgia, Mr. PAYNE, and Mr. MILLER of North Carolina.
H. Res. 34: Mr. SCOTT of Georgia and Mr. MILLER of North Carolina.
H. Res. 101: Mr. MCGOVERN.
H. Res. 197: Ms. SUTTON.
H. Res. 238: Mr. SMITH of Washington and Ms. LEE.
H. Res. 241: Mr. VAN HOLLEN.
H. Res. 389: Mr. GRIJALVA, Ms. WOOLSEY, Mr. MORAN of Virginia, and Ms. CARSON.
H. Res. 433: Ms. BORDALLO and Mr. BRADY of Pennsylvania.
H. Res. 457: Mr. TERRY.
H. Res. 508: Mr. SCOTT of Georgia.
H. Res. 548: Mr. HASTINGS of Florida, Mr. DENT, Ms. SCHAKOWSKY, and Mr. HENSARLING.
H. Res. 550: Mr. CROWLEY, Mr. DANIEL E. LUNGREN of California, Mr. PERLMUTTER, Mr. SHAYS, Mr. LEWIS of California, Mr. YOUNG of Alaska, and Ms. ZOE LOFGREN of California.
H. Res. 557: Mr. BACHUS and Mr. LOBIONDO.
H. Res. 575: Ms. ROS-LEHTINEN, Ms. MCCOLLUM of Minnesota, and Mr. SCHIFF.
H. Res. 583: Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. SMITH of New Jersey.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3161

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 1: At the end of the bill (before the short title) insert the following (and make such technical and conforming changes as may be appropriate):

TITLE VIII—OTHER GENERAL PROVISIONS

SEC. 801. None of the funds appropriated, or otherwise made available, in this Act may be used to carry out any amendment to section 11(e)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(6)) made by H.R. 2419 as enacted by the 110th Congress.

H.R. 3161

OFFERED BY: MR. CONAWAY

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 3: Page 2, line 9, after the dollar amount, insert ''(reduced by $50,050)''.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 4: Page 2, line 20, after the dollar amount, insert ''(reduced by $108,470)''.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 5: Page 3, line 6, after the dollar amount, insert ''(reduced by $167,230)''.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 6: Page 3, line 9, after the dollar amount, insert ''(reduced by $60,760)''.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 7: Page 4, line 4, after the dollar amount, insert ''(reduced by $7,090)''.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 8: Page 5, line 20, after the dollar amount, insert ''(reduced by $239,130)''.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 9: Page 6, line 12, after the dollar amount, insert ''(reduced by $39,360)''.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 10: Page 7, line 6, after the dollar amount, insert ''(reduced by $97,200)''.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to close the office of the Farm Service Agency located in Calhoun, Georgia.

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act under the heading ''DOMESTIC FOOD PROGRAMS—Food and Nutrition Service—food stamp program'' may be used in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a).

H.R. 3161

OFFERED BY: MR. GINGREY

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act under the heading ''Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' may be used in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a).

H.R. 3161

OFFERED BY: MR. JORDAN

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.5 percent.

H.R. 3161

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 15: Strike section 726.

H.R. 3161

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 16: Strike section 738.

H.R. 3161

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture who would require contracts to construct renewable energy systems to be carried out in compliance with the provisions of the Davis-Bacon Act.

H.R. 3161

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following new section:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $188,170,000.

H.R. 3161

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 19: Page 3, line 9, strike ''*: Provided*'' and all that follows through ''budgets for contracting out''.

H.R. 3161

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 20: Strike section 727.

H.R. 3161

OFFERED BY: MR. UPTON

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the ''ENERGY STAR'' or ''Federal Energy Management Program'' designation.

H.R. 3161

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 22: Page 11, line 8, after the dollar amount, insert ''(reduced by $600,000)''.

Page 12, line 15, after the semicolon, insert the following: ''for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $800,000;''.

Page 12, line 18, after the dollar amount, insert ''(reduced by $200,000)''.

H.R. 3161

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 23: Page 33, line 16, after the dollar amount, insert ''(increased by $32,000,000)''.

Page 56, line 19, after the dollar amount, insert ''(reduced by $32,000,000)''.

H.R. 3161

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 24: Page 48, line 12, after the dollar amount, insert ''(increased by $17,820,000)''.

Page 56, line 19, after the dollar amount, insert ''(reduced by $17,820,000)''.

H.R. 3161

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds appropriated in this Act under the heading ''DOMESTIC FOOD PROGRAMS—Food and Nutrition Service—food stamp program'' may be used in contravention of the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

H.R. 3161

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 26: Page 48, line 3, after the first dollar amount, insert ''(reduced by $5,300,000)''.

H.R. 3161

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 27: Page 48, line 12, after the first dollar amount, insert ''(reduced by $8,910,000)''.

H.R. 3161

OFFERED BY: MR. HENSAARLING

AMENDMENT NO. 28: Page 33, line 16, after the first dollar amount, insert ''(reduced by $6,287,000)''.

Page 33, line 17, after the first dollar amount, insert ''(reduced by $6,287,000)''.