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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, at a time when people expect much from their leaders, give these public servants the wisdom to do the work of legislation, administration, and justice for the common good. When criticism comes from those who expect miracles and look for weakness, give to the Members of the Senate, their families, and staffs the grace of patience and love. Help them to be compassionate and forgiving toward the critics who would tear down and destroy. Give them courage to live above hostility and to be faithful to their tasks when circumstances are discouraging and negative. Lord, brace them in Your strength against the enervating effects of frustration and futility as You infuse them with confidence in Your providential power. Bless them, Lord, with love, laughter, and life. We offer this prayer in the spirit of Him who came to set us free. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KEN SALAZAR, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SALAZAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VETERANS SPENDING

Mr. MCCONNELL. Mr. President, if the majority leader is not coming out, I will use a little of my leader time.

Americans were shocked earlier this year to learn about the conditions at Walter Reed Medical Center, and Members of Congress were right to seize the moment by pledging to veterans they would do everything they could to give them what they need. As Speaker PELOSI put it, in the military, we always say: In battle, we will never leave a soldier in the battlefield; and we say when they come home, we will not abandon them, so we should have the best possible opportunities for them when they do come home.

The veterans spending bill gave Speaker PELOSI and the rest of the Democrats in Congress an opportunity to make good on that pledge. So far, that opportunity has been squandered. The veterans bill was ready more than 2 months ago. It had overwhelming bipartisan support in both Chambers. The House version passed in June by a vote of 409 to 2, the Senate version passed in September by a vote of 92 to 1, and the President has been ready to sign it for weeks. What is the holdup? Democrats must have decided somehow it works to their advantage to hold onto this bill for political leverage. We know this because they attached it to a bill the President said he would reject, and which he did reject, and now it is back on the shelf and veterans are still waiting. Americans need to know what is going on. The majority is holding onto this bill which contains money for critical new programs for veterans returning from battle.

There is still time to change course and we must. So I call on the majority to end this game. The fiscal year has come and gone without acting on this bill. Veterans Day passed without enacting the bill. Now is the time to take it off the shelf, blow the dust off, and get it to the President's desk for his signature before the Thanksgiving recess.

The majority's strategy on this bill is meant to put pressure on President Bush, but all it is doing is putting pressure on our already strained VA and delaying critical help to veterans and their families. Troops are finally coming home from Iraq. They deserve better than this when they get here, remove their uniforms, and return to our communities.

At this moment, two very good and worthy goals stand before us: funding our veterans and getting funding for our troops in harm's way. We promised them we would do this with both the Gregg and Murray amendments earlier this year. We can achieve it before the recess. Republicans are ready. I would call on the Democrats to join us in achieving these good things before the recess.

HONORING OUR ARMED FORCES

SERGEANT MATTHEW L. DECKARD

Mr. MCCONNELL. Mr. President, I rise today because a son of Kentucky has fallen. I am speaking of SGT Matthew L. Deckard of Elizabethtown, KY. He was 29 years old.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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On September 16, 2005, Sergeant Deckard was driving an M1A1 Abrams tank during patrol operations in Baghdad when an improvised explosive device set by terrorists detonated near another tank in his patrol, killing two soldiers and wounding two others.

Sergeant Deckard heroically left the shelter—left the shelter—of his M1A1 Abrams to help tend to his fallen and wounded comrades. Shortly after returning to his own tank, a second device exploded, this time tragically taking Sergeant Deckard's life.

For his courage and bravery as a soldier, Sergeant Deckard received numerous medals and awards, including the Bronze Star Medal and two Purple Hearts. His family saw him laid to rest in Harlan, KY, with full military honors.

Sergeant Deckard—Matt to his family and friends—was in that tank because he wanted to be there. More specifically, he wanted to follow in the footsteps of his stepfather, Glenn Gill, a retired U.S. Army staff sergeant and former tanker himself.

Matt was ''learning about the M1 tank before he ever went into the Army,'' Mr. Gill says.

When the M1 Abrams tank was still new in the early 1980s, Mr. Gill would receive the tank's training manuals. Young Matt often borrowed them to read. He borrowed them so often that when Mr. Gill couldn't find one of his manuals, he knew right where to look.

Matt grew up in Elizabethtown, and he also spent several years of his childhood at Fort Knox, KY, where his stepfather was stationed. A ''normal country boy,'' as his stepfather describes him, he grew up hunting, fishing and learning to work on cars.

Matt graduated from Elizabethtown High School in 1994, and in December of that year married his high school sweetheart, Angela. Then in January 1995, Matt fulfilled his lifelong goal and joined the U.S. Army.

Matt took his training at Fort Knox, did a tour of duty in South Korea, and was assigned to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry Division at Fort Stewart, GA.

Matt and Angela were blessed with three children, and Matt's family was the pride of his life. Daughter Makayla was his ''princess,'' elder son Matthew Noah his ''little man,'' and younger son Austin the baby of the family. Matt loved to take his kids fishing or to the beach.

Family came first whenever Matt had time away from work. ''We had date nights, just me and him,'' says his wife, Angela. ''We had movie nights with the kids. When he came home for R&R, or just any time he came home from work, he would just jump for joy that they were right there with him. It made his night, every night.''

Matt was deployed to Iraq twice. The first time, he was originally sent to Kuwait in November 2002, later moving into Iraq and staying there until August 2003. He was among the first American troops to enter Baghdad in the liberation of that country from dictatorship in 2003.

Matt's second Iraq deployment began in January 2005. An experienced soldier with 10 years of service, he spent his time where he had always wanted to—around tanks. He served as a driver, gunner, and loader.

''Matt was in the Army as a career soldier and to make a better life for his family,'' Mr. Gill says. ''Definitely, he loved it. . . . That was his ambition.''

The family he left behind is in my thoughts and prayers today as I recount Matt's story. I wish to recognize his wife, Angela, his mother and stepfather, Cassie and Glenn Gill, his daughter, Makayla, his sons, Matthew Noah and Austin, his brother, Michael Deckard, his sister, Michelle Best, and other beloved family members and friends.

Today, in the Elizabethtown Memorial Gardens cemetery in Elizabethtown, KY, there is a monument to Sergeant Deckard. His family designed it, had it built, and with help from friends, paid for it to be erected in tribute to their lost husband, son, brother, and father.

Matt's family held a dedication ceremony for this monument on February 3 of this year. A color guard team from Fort Knox raised the flags, and the local American Legion post performed the wreath-laying ceremony.

Flying underneath the American flag, Matt's stepfather, Glenn, has raised the Armed Forces Memorial Tribute flag, so we will never forget the brave men and women in uniform who have given their lives for this Nation.

On the monument, Matt's face is boldly etched into a slab of black granite. Next to that perches a bronze eagle. Underneath the eagle are the words, ''Freedom is not free.''

The loss of Sergeant Deckard proves that true. His family and friends all have paid a very heavy price.

Nothing we can say here today can ease their terrible loss. But we can remind them that Matt lived to fulfill—in the words of his stepfather, whose career path he followed—his life's ambition.

And we can reassure them that America will forever honor and remember SGT Matthew L. Deckard's sacrifice.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Senator from Wisconsin, Mr. FEINGOLD, recognized first for 15 minutes and with Republicans controlling the next 30 minutes, and the majority controlling the final 15 minutes.

The Senator from Wisconsin.

IRAQ

Mr. FEINGOLD. Mr. President, I ask the Chair to notify me when I have 1 minute left on my time, and I thank the Chair; and I, of course, join the Republican leader in paying tribute to all the members of our Armed Forces, those who continue to serve, those who have completed their service, and particularly those whom we have lost and their families.

But the Senate still needs to address Iraq. The American people voted a year ago to end the war and we haven't followed through. We need to address this issue and to end this misguided war now, before more Americans are injured and killed.

The bridge fund passed yesterday by the House isn't good enough. The goal for redeployment doesn't cut it. We need a binding deadline, which means we need to pass the Feingold-Reid bill.

Despite recent reports of a downturn in violence in Iraq, violence remains at unacceptable levels. 2007 has already been declared the bloodiest year since the war in Iraq started, and that is with almost 2 months still to go. Those counts don't bring in the number of Iraqis killed. On a relatively quiet day earlier this week, with no reported coalition tragedies, at least 33 Iraqis were killed and an equal number wounded in violence around the country. We can't say violence is down when violence around the country remains so high, when so many Americans are being killed and when so many Iraqis are afraid to walk the streets.

The underlying reality is we are working with both sides of the Iraqi civil war and deepening our dependence on former insurgents and militia-infiltrated security forces.

Meanwhile, the situation in the North and South is precarious at best. Unrest in these areas threatens the security of our supply lines.

The most recent National Intelligence Estimate largely attributed the decline in violence—particularly in Baghdad—to population displacements. Baghdad is now predominantly Shi'ite. While the purpose of the surge was to foster reconciliation, the reality is that the number of Iraqis displaced by the conflict doubled since the start of the surge, adding to millions already pushed out of their homes from 2003 to 2006.

Meanwhile, we have put our troops outside the forward operating bases in more dangerous territory for the purpose of policing the Iraqi civil war. When they are out in those joint security stations, they have to spend half

their time watching their backs because our ''allies'' are former Sunni insurgents and Iraqi Security Forces, neither of whom can be trusted.

We continue to supposedly ''train'' Iraqi Security Forces despite the fact that we finished training over 300,000 of them over a year ago. Of course, we may well be simply contributing to the Iraqi civil war by ''training'' and arming forces that are infiltrated by militias. We can't even account for the guns we have given them.

The ''al Anbar'' strategy—signing cease fires I with insurgents who were attacking our guys not too long ago—does not have the support of the Iraqi government. It is a poor substitute for meaningful reconciliation, which supposedly the surge is going to foster. Now the administration is shifting the goal posts and talking about ''bottom-up'' reconciliation.

We have seen the levels of violence in Iraq shift before—this is nothing new. If my colleagues think the surge is working and violence is down—let's get out while the getting is good. Without meaningful reconciliation, the violence will spike up again, that's for sure. So let's not wait around for that to happen.

Many U.S. troops currently in Iraq are now in their second or third tours of duty. Approximately 95 percent of the Army National Guard's combat battalions and special operations units have been mobilized since 9/11.

Mr. President, 1.4 million Americans have served in Iraq, and over 400,000 have served multiple tours in Iraq and Afghanistan. Nearly 4,000 have been killed in Iraq and over 27,000 have been wounded.

The Army cannot maintain its current pace of operations in Iraq without seriously damaging the military. Young officers are leaving the service at an alarming rate.

Readiness levels for the Army are at lows not seen since Vietnam. Every active Army brigade currently not deployed is unprepared to perform its wartime mission.

More than two-thirds of active duty Army brigades are unready for missions because of manpower and equipment shortages—most of which can be attributed to Iraq.

There are insufficient Reserves to respond to additional conflicts or crises around the world, of which there are, of course, potentially many.

This failure to prioritize correctly has left vital missions unattended. Natural disaster response, U.S. border security, and international efforts to combat al Qaida are all suffering due to the strain on military forces caused by poor strategy and failed leadership in Iraq.

Thousands of our troops have returned home with invisible wounds; such as PTSD and TBI—traumatic brain injury, which will have a long-term impact on veterans and their families. These invisible wounds are not counted in the casualty numbers, but we will be struggling with them for a generation or more.

The cost of the War? America has been in Iraq longer than it was in World War II.

Secretary Rumsfeld said the war would cost less than $50 billion. The administration has now requested over $600 billion for the war.

If we don't change course in Iraq, the cost of the war is likely to balloon to $3.5 trillion.

If we keep a ''Korea-like presence'' in Iraq, as Secretary Gates has predicted, this means we will have 55,000 troops in Iraq by 2013—a level that remains constant until 2017. And while this drop would certainly be cheaper, it would still mean an additional $690 billion. CBO has estimated that, just paying the interest on the money we have borrowed to pay for the war to date, will cost another $415 billion.

We are currently spending nearly $9 billion a month in Iraq. In 3 months in Iraq, we spend nearly the same amount that we spend on foreign relations and aid worldwide in 1 year.

The fiscal year total spending of the war—$150 billion—is greater than the combination of spending on our national transportation infrastructure, health research, customs and border protection, higher education assistance, environmental protection, Head Start, and the CHIP program. Our national programs are being neglected because of this disastrous war and future generations will bear the brunt of our misguided policy.

The costs are only rising. We spent twice as much this year in Iraq as we did in 2004.

The President continues to mislead the country about al-Qaida and Iraq. Contrary to the President's assertions, Pakistan and Afghanistan, not Iraq, are the key theater in this global conflict. While the administration has focused on Iraq, al-Qaida has reconstituted itself along the Afghanistan-Pakistan border.

The President also presents a false choice between fighting al-Qaida in Iraq and doing nothing. Every single redeployment proposal includes the option of targeted operations against al-Qaida within Iraq. The difference is that the President seems to think that 160,000 or 180,000 troops, sent to Iraq for an entirely different purpose, need to stay.

We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is and will continue to be a global terrorist organization with dangerous affiliates around the world. Contrary to what the administration has implied, al-Qaida is not abandoning its efforts to fight us globally so that it can fight us in Iraq. That is absurd.

We need a robust military presence and effective reconstruction program in Afghanistan. We need to build strong partnerships where AQ and its affiliates are operating—across North Africa, in Southeast Asia, and along the border between Afghanistan and Pakistan. And we need to address the root causes of the terrorist threat, not just rely on military power to get the job done.

For example, right now, Iran's strategic position continues to improve and the situation on the Turkish border is explosive. We are bogged down in Iraq and exposed to attack from all sides, and our ability to promote regional stability from a position of strength is undermined.

Maintaining a huge, open-ended presence is igniting tensions in the region, and playing into the hands of the Iranian regime. Iran is able to expand their influence while we take the hits, in terms of casualties and finances. Our open-ended presence in Iraq is a blessing for Iran because it provides them with a buffer and mitigates any potential conflict between those two countries. It also removes any incentive for Iran to engage in a constructive manner.

Maintaining a significant U.S. troop presence in Iraq is undermining our ability to deter Iran as it increases its influence in Iraq, becomes bolder in its nuclear aspirations, and continues to support Hezbollah.

The American people want us out of Iraq. The administration's policy is clearly untenable. The American people know that, which is why they voted the way they did in November. More than 60 percent of Americans are in favor of a phased withdrawal. They do not want to pass this problem off to another President, and another Congress. And they sure don't want another American servicemember to die, or lose a limb, while elected representatives put their own political comfort over the wishes of their constituents.

The Feingold-Reid amendment requires the President to safely redeploy U.S. troops from Iraq by June 30, 2008. At that point, funding for military operations in Iraq is terminated, with narrow exceptions for targeted operations against al-Qaida and its affiliates; providing security for U.S. Government personnel and infrastructure; and training Iraqis.

We have narrowed the training exception to prevent training of Iraqi Security Forces—ISF—who took part in sectarian violence or attacks against U.S. troops. The exception also prohibits U.S. troops training Iraqis from being embedded with or taking part in combat operations with the ISF. These changes are intended to address concerns about the performance of the ISF—which has been infiltrated by Shia militias and accused of attacks upon U.S. troops—and to make sure that ''training'' is not used as a loophole to allow substantial numbers of U.S. troops to remain in Iraq for combat purposes.

The other two exceptions are appropriately narrow: the counterterrorism exception applies to operations against al-Qaida and affiliated international terrorist organizations, while force protection applies to protecting U.S.

Government personnel and infrastructure.

The time has come for the Senate to seriously engage on this issue. The costs and the tragedy of this war are plainly unacceptable and contrary to the will of the American people.

UNANIMOUS-CONSENT REQUEST—S. 1077

Mr. President, I now ask unanimous consent that S. 1077 be discharged from the Foreign Relations Committee, be placed on the calendar, and at a time to be determined by the majority leader following consultation with the Republican leader, the Senate may proceed to consideration of S. 1077 and it be considered under the following limitations: that the only amendment in order be a Feingold-Reid amendment which is the text of the amendment offered on the DOD authorization measure; that there be a total time limitation of 2 hours of debate on the bill and the amendment, with the time divided and controlled in the usual form, and upon the use of that time the Senate proceed to vote in relation to the amendment; that upon disposition of the amendment, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on passage of the bill, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Wisconsin.

Mr. FEINGOLD. I am, of course, disappointed Republicans have again blocked us from debating and voting on legislation to end the war in Iraq. S. 1077 is the bill I introduced with the majority leader, HARRY REID, and eight other Senators earlier this year to safely redeploy troops from Iraq. The substitute amendment is the amendment we offered to the Defense authorization bill in September. It is, in effect, just a tweaked version of S. 1077. The majority leader joins me in these efforts.

There is simply no good reason to block a vote on this important bill. I assure my colleagues I am not going to go away, and this issue will not go away either, much as they might prefer it. Until Congress brings a halt to the President's open-ended, misguided war in Iraq, we will have debates and votes on this issue again and again and again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, here we go again. We have had an effort to take another vote on whether we should pull out of Iraq. Apparently, it is based on public opinion polls. Some think it would be popular, and certainly the moveon.org and Code Pink wing of the majority party would be very happy if we could have crammed down a measure to make a substantial change in our policy without even allowing an amendment. It is absolutely unacceptable on its face.

I object not only on behalf of myself and many of my colleagues but for the brave men and women from America who volunteered to go into harm's way for our security and to promote security in the world. Retreat and defeat may be politically popular with some, but this kind of poison pill does great injustice to what our American volunteers have done. From the people on the ground, when we first started considering these retreat-and-defeat measures, I heard a very heartfelt plea: We have made too many contributions and made too many sacrifices to see it all go for naught because of political maneuvering on Capitol Hill. That comes from people who have seen their comrades fall in battle.

This year alone, the Democrats have attempted at least nine times to force the President to change the military strategy and tactics in Iraq, on the misbegotten notion that somehow we, in this comfortable setting of Congress, can make better military, tactical, and strategic decisions than our commanders on the ground. I find that deplorable.

It used to be the tradition of this body, of America, that we supported our troops when they were going in harm's way. Now some are doing everything possible to undermine their efforts. Nine times they have tried to change the policy. After 77 of us voted to send troops into Iraq because we knew it was a dangerous place, we found out—by the Iraq Survey Group—that it was even more dangerous.

Make no mistake, while some in this body may not think Iraq is important, two people whose activities I try to follow fairly closely in intelligence, Osama bin Laden and Ayman al-Zawahiri, his No. 2 man, think Iraq should be the headquarters of their caliphate, the headquarters of their vicious terrorist empire that wants to subjugate the region and threaten the United States.

Now, however, there is a key difference from earlier because we are seeing dramatic improvements in the security situation in Iraq, in particular in Al Anbar Province, which a year ago was a deadly place, a deadly place into which American troops could only go under heavy fire.

My son and several thousand marines are coming home because they have succeeded. Yes, there is a strategy for drawing down our troops. The President has announced it. It is called ''return on success.'' We bring the troops back when they have succeeded in their mission.

In Iraq, in Al Anbar, I have heard from people who are imbedded with Iraqi security forces that times have changed. There now are Iraqi citizen groups, citizen watch groups, who look for IEDs, who will identify foreign terrorists—al-Qaida types—who come into the area, and who will point out factories designed to build explosive vehicles. They turn that over to the Iraqi police in the area, and they clean it up. I have heard from a guy on the ground who is responsible for maintaining stability and security from the terrorists that the marines were no longer needed. So they are coming back. This is being replicated in places throughout Iraq.

Have we finished? We have not finished the job. There are still other areas, but it means we are succeeding. Iraqis are going about their normal business. Unfortunately for our fighting men and women and the Iraqi people who put their trust in us to see this mission through, too rarely are their successes being reported. They are ignored, although the New York Times, on the back page, I think, this past weekend, pointed out that we had routed al-Qaida in Iraq. Surprise. That wasn't on the front page, did not make headlines, because it has indicated a major change. Have you heard much about the success of General Petraeus and the counterinsurgency strategy after he testified on Capitol Hill? If you are like most Americans, the answer is you have heard very little, because it has fundamentally changed. While the media has always been quick to report bombings and failures in Iraq, it is simply not providing all of the good news.

They have been remarkably successful in 2007 in reducing violence. Yes, with the surge, with the new strategy, there was violence. But, according to General Odierno, the operational commander of U.S. forces in Iraq, enemy attacks are now at their lowest level since January 2006 and continue to drop. There has been a 60-percent decrease in IED attacks.

The reduction in violence is partly as a result of the presence of additional American forces and their adoption of the sound counterinsurgency strategy—go in and clear an area, work with the Iraqi security forces, and help them build an economy, a neighborhood, a safe place. It is also because the leaders on the ground in Iraq, the Sunni sheiks, have said—they have seen what continued terrorist attacks do to their country, to their people. The most frequent victims are Iraqis, good Muslim Iraqis who are being killed by the terrorists. They want to cooperate with us, and they are building, from the ground up, a stable, reliable, peaceful control over the area with the Iraqi security forces. Yes, some of them fought against us in the past, but they are now on our side because we are on their side and we are helping them. And when they take over, we will move back.

Now, I am fully aware of and concerned about the lack of political reconciliation. But, again, from boots on the ground, I hear: How do you expect them to establish a perfect democracy when this country is still not secure? Our goal in Iraq must be to work with the Iraqis, the Iraqi security forces, and responsible leaders to establish relative peace and security in the area.

What would happen if we withdrew precipitously for a political goal? We learned in an open hearing of the Intelligence Committee in January that if we pull out before we have stabilized this area and left in place Iraqi security forces, there would be chaos, and three bad things would happen: No. 1, there would be greatly increased violence among Sunni and Shia; there would likely be intervention by other states coming into Iraq to protect their coreligionists, potentially a civil war spreading into a region-wide war in a vital security and energy part of the world; but most dangerous for United States, and this is something my colleagues who want to cut and run seem to refuse to acknowledge, is that al-Qaida would be able to establish a safe haven. Yes, they have been driven off to the hills, the mountainous regions somewhere in Afghanistan and Pakistan, but they cannot mobilize and exercise their command and control. If they had a place for command and control, had access to the oil riches of Iraq to fund their deeds, we would be significantly at greater risk to weapons of mass destruction attacks by terrorist groups funded and supported by al-Qaida.

We need to be realistic in defining what reconciliation is. It is a long process. To this day, for example, not all outstanding political tensions have been reconciled in Northern Ireland, in Bosnia, or Kosovo. Yet the civil wars and the terrorist campaigns that once threatened to engulf those areas have ended, and competing factions are pursuing their agendas primarily by peaceful political means.

Our men and women in uniform are fighting in Iraq to bring violence under control, to destroy al-Qaida, to drive out destabilizing Iranian meddling, and to establish a relatively stable and secure structure in Iraq, and they are making progress to those goals.

Getting a perfect democracy—we thought we had a perfect Jeffersonian democracy; then we had to have a Lincolnian republic after the Civil War. We are continuing to see the democracy. While it is the best of all the other bad situations, it is not perfect and does not work in a clear upward path; it takes time. And now we are seeing the questions being worked out at the local level on revenue sharing, oil revenue sharing. But to push a retreat-and-defeat, a delay-and-deny battle for the funds for our troops on the ground is unthinkable. This unanimous consent agreement to which I objected would be the ultimate cut and run: declare defeat, and hope to be rewarded in 2008 at the polls—a very regrettable effort by our colleagues on the other side.

The 2008 Defense appropriations bill recently passed by Congress includes no funding for our current operations in Iraq, Afghanistan, and the global war on terror. For 3 years prior to this, we included emergency funding for the regular Defense appropriations bill to cover the cost of military operations until a full supplemental could be adopted. We are now seeing, coming over from the House, a pittance of what is needed, encapsulated in all kinds of restrictions that tie the hands of the troops on the ground and put unreasonable restrictions on them that are likely to cause much greater danger to American personnel, military and civilian, over there. What we need to provide—and I hope we will be able to put an alternative emergency funding bill on the floor—are funds for force protection initiatives, body armor, helmets, ballistic eye protection, even knee and elbow pads, flares, and armor. The 2008 Defense spending bill did include funding for MRAPs, but why did the Democrats insist on omitting other critical items?

Now that DOD will be forced to continue robbing Peter to pay Paul in order to fund operations, it has a tremendously negative impact, not only on the way we conduct the war but how the Department of Defense operates. Important equipment reset and other procurement programs have to be slowed down. It will impact the availability of equipment, including critical equipment for the National Guard needed to respond to domestic emergencies. Without this funding, the Pentagon is forced to divert money from their regular accounts to fund overseas operations, about $13 billion a month.

I have a letter that has just been sent by Gordon England. He has pointed out what this would mean to the Defense Department. It means, among other things, the Deputy Secretary of Defense said, they will have no choice but to deplete appropriations accounts, and it will result in a profoundly negative impact on the defense civilian working force, depot maintenance, base operations, and training activities, and within a few weeks they will be required by law to issue notices of termination to civilian employees.

In addition, a lack of any funding for the Iraqi security forces and the Afghanistan national security forces directly undermines the ability of the United States to continue training and equipping Iraqi and Afghanistan troops who are needed to take over. This makes absolutely no sense in a time of war. We deny the needed funding that will keep our troops—not only keep the troops in the field but support those who are working to assure that we can turn over the responsibility to them.

This is absolutely the wrong message to send to our deployed troops. We must provide emergency funding without political timetables to win votes at home but undermine our troops.

I ask unanimous consent to have printed in the RECORD a letter from Deputy Secretary of Defense England to House Defense Subcommittee chairman JOHN MURTHA and an article in today's Washington Times called ''War Funds Under Attack.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, November 8, 2007.

Hon. JOHN MURTHA,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. I am deeply concerned that the Fiscal Year 2008 Appropriations Conference Report currently under consideration does not provide necessary funding for military operations and will result in having to shut down significant portions of the Defense Department by early next year. Last week, Secretary Gates reiterated the Department's request that Congress pass the Fiscal Year 2008 Defense budget request promptly and in its entirety, including for Global War on Terrorism (GWOT) operations. Lacking complete funding, the Department requested that sufficient funds be provided to continue global operations and to allow equipment reset.

Without this critical funding, the Department will have no choice but to deplete key appropriations accounts by early next year. In particular, the Army's Operation and Maintenance account will be completely exhausted in mid-to-late-January, and the limited general transfer authority available can only provide three additional weeks of relief. This situation will result in a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities. Specifically, the Department would have to begin notifications as early as next month to properly carry out the resultant closure of military facilities, furloughing of civilian workers and deferral of contract activity.

In addition, the lack of any funding for the Iraqi Security Forces and the Afghanistan National Security Forces directly undermines the United States' ability to continue training and equipping Iraqi and Afghani security forces, thereby lengthening the time until they can assume full security responsibilities. Further, the conference report provides only $120 million for the Joint Improvised Explosive Device Defeat Organization (JIEDDO), which is a small fraction of what is required to sustain ongoing efforts to protect our forces against this deadly threat.

I urge you to take whatever steps are necessary to promptly pass legislation that properly supports and sustains our troops in the field. The successes they have achieved in recent months will be short lived without appropriate resources to continue their good work. I ask that you provide them complete and unencumbered GWOT funding as soon as possible.

GORDON ENGLAND.

[From the Washington Times, Nov. 15, 2007]

WAR FUNDS UNDER ATTACK

(By S.A. Miller and Sara A. Carter)

The Pentagon yesterday warned that money was already running out for combat operations in Iraq and Afghanistan, as congressional Democrats dismissed recent security gains and threatened to stall emergency war funds.

''The Army is in a particularly precarious situation,'' Pentagon spokesman Geoff Morrell said. ''Absent extraordinary measures, it would run out of money by mid-February—so quick congressional action is needed as quickly as possible.''

The Defense Department had to start shuffling funds to cover war costs Tuesday after the president signed the department's $471 billion spending bill that did not include war funds but allowed account transfers, he said.

Nevertheless, House Democrats passed a $50 billion war-spending bill last night with a 218–203 vote that President Bush promises to veto because it mandates a U.S. pullout from Iraq start immediately with a goal of a nearly complete withdrawal by December 2008.

The bill mimics Democrats' previous challenges to Iraq policy and likely will stall emergency funds, which would pay for about three months of warfare while lawmakers debate the rest of the $196.4 billion war-funds request for 2008.

The top Democrats—House Speaker Nancy Pelosi of California and Senate Majority Leader Harry Reid of Nevada—say they will withhold troop funds for at least the rest of the year if Mr. Bush does not accept the pullout timetable.

''There is a growing sense within our caucus that it is time to play hardball,'' said Rep. Jim McGovern, Massachusetts Democrat and outspoken war critic. ''This is George Bush's war. He started it. He's got to finish it.''

White House press secretary Dana Perino said Democrats used the pullout bill ''for political posturing and to appease radical groups.''

''Once again, the Democratic leadership is starting this debate with a flawed strategy, including a withdrawal date for Iraq despite the gains our military has made over the past year, despite having dozens of similar votes in the past that have failed and despite their pledge to support the troops,'' she said.

''The president put forward this funding request based on the recommendation of our commanders in the field,'' Mrs. Perino said. ''The Democrats believe that these votes will somehow punish the president, but it actually punishes the troops.''

House Majority Leader Steny H. Hoyer, Maryland Democrat, said recent progress in Iraq—a sharp decline in U.S. casualties, fewer Iraqi civilian deaths and fewer mortar rocket attacks and ''indirect fire'' attacks—were temporary improvements from the troop surge this summer.

''What has not happened is what the administration predicted would happen, [that] an environment would be created where political reconciliation would occur,'' Mr. Hoyer told reporters on Capitol Hill.

''Violence is down. I am happy that violence is down,'' he said. ''What is not up is, this year, we've lost more people than any other year in this war. This year, more refugees were created than any other year in this war.''

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oklahoma.

BUSINESS AS USUAL

Mr. COBURN. Mr. President, I wanted to spend a few moments this morning talking about the business as usual in Washington.

As a nearly 60-year-old male baby boomer, I believe we face some of the most serious challenges we have ever faced as a nation, and certainly in my lifetime. The challenges are going to continue to grow unless Congress changes how it works, how it does business, and starts setting priorities. The last election was about change. We heard a lot of great promises, and I think they were well-intentioned. But let's look at what has happened.

After the last election, we were told we would have an earmark moratorium until we had a real reform process that was in place. We do not have a reform process; we have a faint claim for a reform process. Instead, we have seen thousands—the average is 2,000 earmarks per bill. The American people were told that the earmark process would be more transparent. Yet we have seen Congress backtrack on that at every opportunity.

The earmark reform has really been a triumph of ''business as usual.'' The original Senate version of S. 1 required Senators to publicly disclose the following within 48 hours of the committee receiving the information: the earmark recipient, the earmark's purpose, certification that neither they nor their spouse would directly benefit from the earmark. Now, what is in the real language? The real language was secretly changed. It no longer requires public disclosure of who is going to get the earmark or the earmark's purpose. That is the Senate's rules.

You know, there is a foundational principle; that is, you cannot have accountability in anything unless you have transparency. What we have is obfuscation of transparency.

We don't want the American people to see who is going to get an earmark or what its purpose is. Thankfully, we passed the transparency and accountability act that starts this January so the American people are going to see it anyway, except they are going to unfortunately have to see it after the fact.

Yesterday my office learned of another attack against transparency. The just-released conference report for the Transportation-HUD spending bill contains an earmark provision that attempts to prohibit the White House from releasing publicly its budget justifications. When they send up their budget, they send the reasons for why they want that money spent in certain ways. I worked last year to make sure that OMB agreed that the American people were entitled to see the justification for why they would want to spend money in certain areas. The appropriations process doesn't want that to be public. Why should it not be public? Why should we not want to know why the administration wants to spend certain money in certain ways and their reasoning and justification?

There is a reason why this was added. This was added so the authorizing committees won't have the same information the appropriations committees have. We are not supposed to be appropriating anything that isn't authorized, yet we continue to do so. This is a commonsense approach to make transparent to the American public as well as the rest of the Members of this body the justification and reasoning of the administration.

I agree, the broken promises we have seen have contributed to the 11-percent favorability rating of Congress. It isn't a Republican or Democratic issue. No Americans want their leaders to say one thing and then do another. The American people are tired of hearing the same defenses of the earmark favor factor. They didn't work when Republicans were in control, and they will not work today.

Let's talk about that for a minute. The earmark system exists to serve politicians, not local communities. Members earmark funds rather than advocate for grants because they want the political credit for spending money. Earmarks oftentimes are worthwhile, but the system under which they are propagated is not. Earmarks are the gateway drug to overspending, one of the No. 1 issues for which the American people have a problem with Congress. Our problem is, we refuse to make the tough choices families have to make every day, every week within their own budgets. Consequently, we now have this last week surpassed $9 trillion on the debt. We have $79 trillion worth of unfunded liability which is going to cause us to break the chain of heritage of this country. That heritage is one of sacrifice where one generation works hard, makes sacrifices to create at least the same or hopefully better opportunities for those generations to come.

We have heard complaints that it is illegitimate to single out or strike an earmark with an amendment. It is not our money. It is the American people's money. What is scandalous is how few of the special interest projects are ever challenged on the floor. Only one-tenth of 1 percent of the more than 60,000 earmarks passed since 1998 have ever received a vote. Where is the accountability with that? Where is the transparency?

Finally, we hear Senators complain that it is partisan to strike individual earmarks. I can't speak for anyone else, but I have been going after this process for a decade. No one has gone after more Republican earmarks than I. Plus, if you don't like my amendments, I ask the body to offer some of their own. I would appreciate the help. In spite of a lot of grand talk about earmark reform, we haven't seen anyone on the other side of the aisle attempt to strike an individual earmark. Does that mean all these projects are worthwhile? Is there not a single earmark in the 32,000 requests this year that should not be debated on the floor of the Senate?

The conference report on the Transportation-HUD bill includes a number of questionable earmarks, some of which I will try to eliminate when the bill comes through the Senate.

We developed a new rule that one can't earmark in conference. Yet in the new conference report on the Transportation-HUD bill, 18 new earmarks were air dropped, new earmarks violating the rules the Senate just set up. We can't help ourselves. Such earmarks as an international resource center, the Coffeyville Community Enhancement Foundation, Minihaha Park development, buses, upgrades to airports, may be good things to do, but are they good things to do when the projected budget deficit is around $300 billion? Are these the priorities we should have?

I won't spend a whole lot more time on this issue today, but I can tell my colleagues that the American people

are fed up with this process, not just the process of earmarking but the lack of accountability and the absolute lack of transparency when it comes to how we make priorities in spending their money, not ours, every year. I think preserving Social Security, fixing Medicare to where it is available for those after the baby boom generation, solving our budget deficit today might be greater priorities. The real balance is between us and our grandchildren, and we lack the courage to make the hard choices now because it impacts our political careers. We have taken our eye off the ball. The ball is what about the future of the country? What about the opportunity for those who follow us? What about the liberty and freedom they are going to have or not have as a consequence of us ducking the hard choices today?

I yield the floor.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWNBACK. Mr. President, I believe we have 4 minutes remaining, if I may inquire of the Chair.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. BROWNBACK. I ask unanimous consent to speak for a total of 8 minutes.

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

IRAQ

Mr. BROWNBACK. Mr. President, I will try to be brief and to the point, if I cannot be eloquent. I want to talk about the Iraq situation.

A number of Senators have spoken about that this morning. They are looking at the progress that is taking place with the surge. I had great question about the surge at the outset. I questioned whether this was the right route to go. Yet I have to say my concerns were proven wrong.

Look at the numbers: U.S. deaths are down more than 50 percent since June. Iraqi deaths are down more than 50 percent since August. Sectarian violence is down dramatically. Areas of Baghdad are opening. October saw the fewest roadside bomb instances since September of 2005. Mortar rocket attacks are at their lowest level since February 2006. Nobody would say it is over, we have won, but they would say these are very positive events that have taken place.

The area we have to emphasize now is the political solution to capture the moment of getting more stability on the ground in Iraq. For some time Senator BIDEN and I have pushed a federalism approach that this body endorsed by 70 votes. Now is the time for us to push much more aggressively on this political solution. We are seeing this already taking hold in the Kurdish region which has had a head start. Under Saddam Hussein, the Kurds were protected by our air power in the north. They have stabilized a government and have been operating basically that region. We now have Anbar stabilizing, the Anbar awakening. But they are not particularly interested in the federalism solution because they don't have oil. So what we have to have take place at the national level in Iraq is an oil law that distributes oil on a per capita basis around the country, not in regions, so federalism roots can take hold—not one Iraq but several regions and not necessarily on a sectarian basis.

Several Iraqis I have met with are saying they believe in federalism. They think it is the route to go. But they say: Don't say we are a Sunni region here or a Shia region there. These are going to be multisect regions so we can get together on a regional basis and not on a division basis around the country. This is a very promising route to go, but we need a political surge to take place in Iraq. We need to put emphasis on a political surge to capitalize on the stabilizing situation that is taking place on the ground.

We need a diplomatic surge. We need to push the Iraqis to get oil laws and debaathification taking place on a national level. We should prioritize local and provincial elections and encourage Iraq to devolve power from Baghdad. We should provide additional humanitarian assistance for those Iraqis who fled sectarian violence and relocated to other areas, or they are coming back. Some people are not coming back to areas because there is no housing left; it got blown up in all the violence that took place. Instead of pretending that nothing has changed, our debate needs to reflect the reality on the ground, that the security situation is much better, that we have a real moment here. The reality is that security has improved. The reality is that centralizing power in Baghdad is not the route to go. Creating federal regions provides a chance for that success to be captured and moved forward.

I question what came out of the Joint Economic Committee on the funding of the war. I am ranking Republican on that committee. That was not a committee report. I believe there are significant problems with how that funding level was arrived at. I don't think that was accurate. I don't think it was a positive way to move forward. Instead, now is the time to say: OK, let's capitalize on the surge. Let's go on a bipartisan basis with Senator BIDEN and myself on federalism. Let's push that to capture this, and then we as America can declare victory—not a Republican victory, not a Bush victory, but we as Americans can say it is now stabilized and we can start to pull our troops back. That is the talk that is penetrating now, and it is the talk we need to have a lot more of.

Iraqi President Talibani endorses federalism as a political solution. The Kurds have announced they will convene a federalism conference. Some Iraqi Shia groups are openly discussing the creation of a region that would be a federalism model. The Sunnis do not particularly want to because they do not have oil, so we have to get that oil devolved.

I think there is a real route forward for us to all be able to say, soon, we are making progress, it is sustainable, and we are handing it off to the Iraqis.

Mr. President, I thank you for your indulgence.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I understand I have time in morning business. Let me claim that time.

The PRESIDING OFFICER. The Senator has 15 minutes.

APPROPRIATIONS BILLS

Mr. DORGAN. Mr. President, I want to talk about several things today. I want to start with this question of why, at the end of the legislative session, there is such intractability in trying to get the appropriations bills done.

It is a paradox to me that President Bush, who has come to this town in the last 7 years, and at the start of his Presidency said, ''I want a fiscal policy that moves in a certain direction.'' He had a sufficient number of votes in the Congress to accommodate that so he said, ''Look, it appears in the next 10 years we are going to have very large budget surpluses, so I want put in place very large tax cuts, most of which will go to wealthy Americans.'' I did not support that, but a number of people in his party did, so it became enacted. I said we ought to be conservative. We ought to worry things might change. Maybe these surpluses won't appear. We do not have them yet. They are only projections.

Well, guess what? The President got his fiscal policy, and those surpluses did not, in fact, appear. We faced a recession, 9/11, a war in Afghanistan, a war in Iraq, and a continuing war against terrorism—all of which has been very costly. We have run up $3 trillion in debt with this President's fiscal policy—$3 trillion. Now, I think it is unusual that at this stage of this session of Congress the President has done two things. He has sent to this Congress a request for $196 billion in emergency funding for the war in Afghanistan and Iraq—mostly for Iraq.

He wants $196 billion in emergency funding—none of it paid for. He says: This is my priority. If you do not support it, you do not support the troops. We do not intend to pay for it. It is called an emergency.

At the same time, he has made another request of Congress. He has said: The budget I sent to you is a budget locked in stone, and if you do not meet those numbers, if you are over those numbers on anything, I intend to veto the bills.

Eight to ten appropriations bills he has threatened to veto. We are $22 billion over the President's numbers in his budget for investment here at home. I am talking about the things that improve roads, do the water projects that are necessary, build infrastructure, invest in health, and invest in education. We are $22 billion over the President's budget request.

The President says: I will have none of that. The money we are spending to invest in things here at home, we will not compromise on that. I will veto all of those bills. So I am going to be a fiscally responsible President on $22 billion with respect to investments in this country, and then I demand $196 billion from you in Congress, on an emergency basis. None of it paid for. All of it borrowed in order to prosecute the war.

By the way, that $196 billion is not all to support the troops. A substantial part of it is for contractors. I have been on the floor talking about the greatest waste, fraud, and abuse in the history of this country with contractors in Iraq and Afghanistan. We have been stolen blind by contractors.

One short story: This country says that we will commit to building 144 health clinics in Iraq. So our Government hires a contractor to go build health clinics in Iraq. The money is all gone. Over $200 million of the money is gone, but the health clinics do not exist. Out of over 200 health clinics, there are only 20 in operation.

An Iraqi doctor came to see me and testified at a policy committee hearing. He said: I went to the health minister of Iraq to find out where these health clinics were because I knew the American taxpayer spent the money for them. The contractor got the money to build them, and I wanted to go see these health clinics and tour them to find out what has been done. The Iraqi health minister said: You don't understand. Most of these are imaginary clinics. They have never been built.

Well, the money is gone. The contractor got the money. The American taxpayer got fleeced. The President wants more money, an additional $196 billion. He says: If I don't get it, then you don't support the troops. Then he says: By the way, I don't support the extra $22 billion to invest in health care, to invest in energy, to invest in water projects, to invest in roads, or to invest in this country.

I say to the President, it is time, long past the time, to start taking care of things in this country. I have a list on my desk of water projects that we are doing in Iraq costing hundreds and hundreds of millions of dollars. I have the specific names of the water projects which we are building in Iraq. The President also says he wants over a half a billion dollars less in funding than the Congress is recommending for the Corps of Engineers to build water projects in this country. This is funding to repair dams, to do dredging, and to do the things we need to do to fix water projects in this country.

Why such a reluctance to invest here at home? I do not understand it. But why the contradiction? The President wants to spend $196 billion—without paying for any of it—and then crow to the east that somehow he is a fiscal conservative because he is opposed to $22 billion spent here at home.

Now in the next several weeks, we are going to have to reconcile this, and I hope, in one way or another, this President will be able to try to find out what his true identity is. It certainly is not a fiscal conservative. That is talk. Talk is cheap.

Look at what he is asking for: $196 billion to be added to the debt. None of it paid for. All of it borrowed. Then he says that he is opposed to $22 billion to invest here at home.

That is not fiscal conservatism. That is ignoring needs here in this country and spending money in a profligate way, especially on contractors which are fleecing the American people in my judgement. I hope we can reach an agreement on meeting our appropriations needs. That is what we need to do. This place works and this democracy works by agreement and compromise with people of good will.

EXCESSIVE MARKET SPECULATION

Mr. DORGAN. Mr. President, I mention that because I want to talk about two areas of speculation that bother me a lot, both of which relate not to the financial issues of this fiscal policy coming from President Bush, but it relates to the issue of whether you believe Government has a role in proper regulation in certain areas.

The price of a barrel of oil today is trading at $94 a barrel. It has been flirting with $100 a barrel. The price of oil has been going up, up, up in the last year. Well, it is interesting when you take a look at what is happening with oil prices. Take a look at supply and demand factors and ask yourself if the fundamentals with respect to oil supply and demand justify $100 a barrel of oil? The answer is no.

Let me read to you something from a fellow, Fadel Gheit, who works for Oppenheimer & Sons. Here is what the energy analyst for Oppenheimer & Sons said last week. He said:

> There is absolutely no shortage of oil. . . . I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. . . . Oil speculators include ''the largest financial institutions in the world.'' ''Call it the world's largest gambling hall. . . . It's open 24/7. . . . Unfortunately, it's totally unregulated. . . . This is like a highway with no cops and no speed limit, and everybody's going 120 miles per hour.''

Let me tell you what is happening with the price of oil. This is an oil analyst from Oppenheimer & Sons saying that there is no justification for oil being a dime over $55 a barrel. We have hedge funds in the futures market buying oil. We have investment banks in the futures market. We have investment banks building facilities to store oil. Now, why are investment banks building facilities to store oil? It is because they believe oil will be more valuable in the future. If they buy it and store it, then they will make money in the future.

So instead of a futures market that works with respect to the fundamentals of the supply and demand of oil, we have a carnival of greed in the futures market, in my judgment. We have investment banks hip deep, we have hedge funds hip deep in this, and we have all kinds of things that are going on that are driving up the price of oil.

Who are the victims? The people filling up at the gas pumps have to pay this price that, in my judgment, is unsupported by the fundamentals of supply and demand.

What is the circumstance here? Well, the circumstance, like most things, is we do not have the capability to regulate very effectively.

Let me tell you this story, if I might, about a 32-year-old trader at a giant hedge fund, and I did not mention that hedge funds are in these markets as well, in a very big way. A 32-year-old trader at a hedge fund named Amaranth held sway over the price the country paid for natural gas a year or so ago. Let me tell you what he did. He helped lead to the collapse of an $8 billion hedge fund named Amaranth. This comes from the Washington Post:

> His positions were so big that he could cause the price to move in the way he wanted by buying or selling massive amounts of his holdings in the last 30 minutes of trading on NYMEX, a move known as ''smashing the close,'' federal regulators say.
>
> At one point, in the summer of 2006, Mr. Hunter, the 32-year-old trader, controlled up to 70 percent of the natural gas commodities on the New York Mercantile Exchange (NYMEX) that were scheduled to supply companies and homes in November of last year and more than 40 percent of contracts for the entire winter season.

Now, this relates to the question of a piece of legislation that is entitled ''Close the Enron Loophole'' Act that Senator LEVIN and I have introduced. The fact is, in these energy futures, some of them are on regulated exchanges, but many of them are not. The Commodity Futures Trading Commission does not have the capability to see exactly what is happening in these futures contracts and in these over-the-counter or unrelated areas. We need, in my judgment, to pass legislation to try to stop this rampant speculation of unregulated trading.

There needs to be a futures market. A futures market is very important to provide liquidity. But when a futures market becomes a gambling hall, and you start with investment banks and hedge funds, and all of these activities that have very little to do with the fundamentals of supply and demand, then there are very serious problems that must be addressed.

Now, it could likely be the case that the price of oil will come down in a precipitous way as well. It does not seem that way at the moment. But it could because, clearly, this is a speculative bubble. In my judgment, the price is not justified by the fundamentals of supply and demand. Are we going to have a tightening of supplies in the future? Yes, I understand that. The Chinese want to drive 100 million more cars on their roads in the next 15 years. They are going to build these roads, they are going to drive on them. Is that going to increase demand? Sure it is.

Russia wants to capture more oil. I am told they would love to find ways to impede the opportunity of oil and energy supplies coming from the Caspian Sea to the West. Does that potentially impact the price of oil? Sure it does.

But the fact is this: At least at the moment, with the price of oil on the futures market, we have a situation in which the trading, in many cases, is completely unregulated and not transparent. We need to change that. There needs to be some regulation. This administration does not believe that. They have never believed in regulation. We understand what happened with respect to the crash of Enron and the bilking of tens of billions of dollars from consumers on the West Coast. Enron, in many ways, was a criminal enterprise, and there are people now in jail as a result of it. The regulators sat on their hands, dead from the neck up, believing: No, no, no, no, this is the market working. It was not the market working. It was criminal activity, and people were hurt, a lot of them.

With respect to the oil futures market, there needs to be effective regulation. I am not alleging illegal activity here. I am saying, however, it is not healthy to have an amount of speculation in that market that is far beyond anything that would be reasonable, given the supply and demand of oil.

I have one additional topic I want to cover, but the majority leader is on the floor. I would be happy to yield to him.

HOME MORTGAGES

Mr. DORGAN. Mr. President, let me continue to talk about one other area of speculation because speculation with respect to the futures market in oil is causing significant problems. Speculation with respect to mortgage lending in the subprime mortgage scandal has been unbelievable as well, and it is causing havoc, as we know. People are getting fired; companies are declaring billions of dollars of losses; and the American people are injured as a result of it. The economy will not grow as fast as a result of it. Let me describe to you what I have learned about this issue. It is stunning because I did not know it. You get up in the morning, brush your teeth, shave, and watch television where you see these ads on television. I never thought much about them. I always thought they were a little goofy. They say: Do you have bad credit? Have you filed for bankruptcy? You can't pay your bills? You have bad marks on your credit rating? Come see us. We will give you some credit.

We have all seen those adds. You think to yourself: Well, how can that work? The fact is, it does not work and cannot work. So what used to be a sleepy little industry getting home loans became something like a Roman candle with powder and a lot of flash. All of a sudden these companies became very fancy companies. I will mention one, Countrywide, the largest home mortgage lender. Here is what I have discovered as I began to look at what they did. They said: You know something. We will give you a deal on a home mortgage. You have a broker selling you a home mortgage getting big fees. We will give you a deal on a home mortgage, an adjustable rate mortgage (ARM). By the way, we have a mortgage, an ARM, in which you don't have to pay any principal and interest only, and you can pay the principal later. We have a better mortgage than that. We have one in which you don't have to pay any principal, and you pay the interest later or principal later. You don't even have to pay the full interest at this point. We can add the interest you are not paying and the principal later to the loan or loans with a 2-percent interest rate.

So they disclose a monthly payment and people say: Man, that is something. That is a low house payment. They don't understand, of course, in two or three years it is going to reset, and it will reset at triple or quadruple the rate. In many cases, they didn't even quote the escrow they were going to be required to pay. So all of a sudden in two or three years the interest rate is going to reset, and they don't have a ghost of a chance of paying the mortgage.

This is all about greed, by the way—big brokers, big companies, mortgage companies that are fundamentally unsound. It reminds me of the days when they used to put sawdust in sausages, sawdust for fillers. People found out about it, and they were aghast.

Here is what they did with these mortgages. They are out there selling bad mortgages, interest only and even less than interest only, subprime, selling mortgages to people who aren't going to have a ghost of a chance of making the payments. They are out there selling mortgages—not just Countrywide but others as well—which are advertising: Come to us if you have bad credit. We want to help you. We want to give you a loan. They sell these mortgages, and then they package them up, similar to a piece of sausage. They put subprime loans, bad loans in with securities. They package them up, and they sell them. Pretty soon a hedge fund, an investment bank, or somebody else buys them, and now they have a piece of sausage with sawdust that is called a security, which includes bad home mortgages. They don't even know it. Then, all of a sudden, it goes belly up because people can't pay their mortgages.

Now, I am thinking to myself, where has common sense gone? What has happened to basic common sense? Those brokers are selling the loans and making big commissions. Those companies were writing the loans making big money and putting in prepayment penalties so they can lock people into bad loans. Those people, the investors who are buying the loans, and, yes, in some cases, those who were taking out the loans because they should have known better, where has common sense gone? It is rampant speculation.

One more point. It relates to what I talked about with respect to oil futures, and it is the total lack of regulatory oversight. Don't look. Don't worry. It will all be fine. Well, it is not fine. These kinds of activities have an unbelievably tough effect on this country's economy and on people. Millions of people will lose their homes. We have a lot of work to do, but I wished to make this point: There is a need to have effective regulatory oversight. This administration has never believed in it. We saw the consequences of it with the Enron Corporation. We now see the consequences with respect to oil and natural gas futures trading and its impact on the price of oil and natural gas. We see the consequences of it with respect to what has happened with subprime lending. If this doesn't convince this administration and future administrations that you have to have effective regulation, then I don't know what does. Companies need someone looking over their shoulders to make sure we don't have this carnival of greed take over. You have to have effective regulation. Working in this Congress, many of us are trying to put this back together to see if we can't get back to some sound common sense, some business sense, in terms of working in these areas.

I wanted to at least start today by talking about the contradiction of what the President is asking of us and what the President is demanding of the Congress in a way that is completely contradictory to sound fiscal policy. I further wanted to talk about a couple of areas of speculation that both relate to lack of oversight. We need to fix these. We can do it, but we need to fix it and soon.

I appreciate the patience of the majority leader.

I yield the floor.

Mr. REID. Mr. President, has morning business expired?

The PRESIDING OFFICER. Yes, it has.

Mr. REID. Mr. President, before my friend from North Dakota leaves the floor, I would like to direct a couple of comments through the Chair to my friend. First of all, I appreciate the statement made relating to energy. Everything you say has to be overlaid with the fact that we have the most oil friendly administration in the history of our country. Both President Bush and Vice President CHENEY made their fortunes in oil.

I would direct a question to my friend. It certainly appears our administration has lived up to being the most oil-friendly administration. Would my colleague agree with that?

Mr. DORGAN. Mr. President, it has. There is no question we need oil. We use a lot of oil, but we need to have an energy policy that is a balanced policy, and my colleague, the majority leader, is working with all of us on an energy bill that we hope we can get by the end of this session that is balanced. It must include renewable energy. We will also use fossil fuels, as well as need more conservation and efficiency. Further, we must make our vehicle fleet much more efficient. For the first time in 27 years, I believe, the majority steered through this Senate an energy bill that got 65 votes, including for reformed CAFE standards which will make our vehicle fleet more efficient.

So we have a lot to do on energy, but we have made some significant progress. I hope we can get that bill by the end of the year.

Mr. REID. Mr. President, I would also say to my friend, I appreciate the statement on where we stand with these subprime loans. The financial community is crying out for help. Foreclosures help no one. The person who has the home loses. The entity that holds the loan loses significantly. It is usually about 30 to 35 percent of the value of the home, on average, is gone. The entity where the home is located, a county or a city, loses money because that home becomes—any foreclosure takes time. You usually have to board up the windows. It loses value, it loses tax dollars. Something has to be done by the Federal Government. What is being done by the Federal Government in its limited fashion is hurting.

Around this country, one of the things that helps people who are in foreclosure is to have a counselor sit down and talk to them about alternatives they have. People are so frightened, and we have learned that people who get foreclosure notices don't know what to do with them and usually don't even respond to them, either by mail or on the telephone. What this administration has done for these counselors—which, by the way, are nonprofit entities—they have cut back their funding by three-quarters. At a time when people need help, they cut back funding.

We know President Bush doesn't like Government. He doesn't like Government. He has proven that from the time he ran for Congress in the 1970s and said Social Security should be privatized, and he has lived up to that. He doesn't like anything to do with Government. He is a person who is anti-Government.

There is a time for Government. Adam Smith, in his great book ''The Wealth of Nations,'' in 1776, said there is a place for Government. If he were writing that book today, he would talk about the need for Government throughout America in many different ways. One thing we need to do is do something with FHA, with Fannie and Freddie, which are organizations we set up in Congress to help people buy homes.

I would say to my friend in the form of a question: Does my colleague think the Federal Government should be more active in what is going on than ignoring the problem?

Mr. DORGAN. Mr. President, the majority leader is absolutely right. We have a role to play. The first and most important aspect is to help those who have been victimized by this unbelievable speculation and greed, and the second is to make sure it doesn't happen again. That requires effective regulation. So the response to this subprime loan issue cannot be no response or just to look the other way. It has to be to address those things.

One of the points the majority leader has made is the need to rework some of these mortgages. The interesting thing is that, in the old days when you got a mortgage, you knew where you got it, and you knew who had it. If you had trouble, you went and worked it out with your lender. Nowadays, they have already sold that mortgage, so it makes it much more difficult. They have sold it, wrapped it into a security someplace, and sold it two or three times. Borrowers go to the place where they got the mortgage, but the company says we don't have the mortgage.

So we have a lot to do. I appreciate the words of the majority leader. We have to help a lot of people try to get through this. We need to help our country's economy get through this and make sure it doesn't happen again.

Mr. REID. Mr. President, one final thing before my friend leaves the floor. There is no one more involved in farm policy any more than the Senator from North Dakota. North Dakota is an agricultural State. Tomorrow morning we are going to have a vote on cloture on the farm bill. We are going to have a cloture vote. It is a very important vote. The question is, Are the Republicans going to kill the farm bill?

For people who say: Well, gee whiz, we have had no opportunity to offer amendments—cloture on the farm bill does not stop amending the farm bill. Relevant amendments can be offered on the farm bill. We have 30 hours to do that. I, of course, would allow those amendments to go forward. There would be no way to say: Well, we are only going to vote on this one. If there are germane amendments subject to the rule, they can be offered and they can do it postcloture. So I hope all my Republican friends understand this farm bill is important. People at home are going to be watching how we vote on this farm bill because it is a very important vote. Are we going to continue working on the farm bill or let it go? It appears to me the response from the Republicans is let it go. Maybe we will be able to do it some other time.

But I ask my friend: It is true, is it not, that this is an important vote and there will still be amendments allowed even if cloture is invoked?

Mr. DORGAN. Mr. President, the reason a cloture motion was even filed is we have been here a week and a half and have not even been able to move to the first amendment because it has been blocked. Yesterday, Senator HARKIN offered this. He said: Well, how about if we at least start. The way to move on it is to start. He said: How about let's start with a couple of Republican amendments and a couple of Democratic amendments. In every case, there was an objection by the minority side which said no, we can't start.

So I think the majority leader had no choice but to say let's file a cloture motion and try to shut off debate, but that will not shut off amendments that are germane postcloture. After being very discouraged, I really hope those of us who care about a farm program can move forward. Having watched this blocking of the farm bill now for a week and a half, I hope tomorrow morning, when we have this vote, the message that American farmers will get is that this Senate cares enough to decide that, yes, we will go to work, and we will do the farm bill.

I would make one final point to the majority leader. I made the point yesterday. Farmers can't do what the minority in the Senate is doing. When it is time to milk a cow, you have to milk a cow, or the cow gets sore. When it is time to plant, you have to plant, or your crop will not grow. When it is time to harvest, you have to harvest, or the crop will spoil. The farmers don't have the luxury the minority has to say: Well, let's do nothing.

I hope our colleagues will join us tomorrow in voting for cloture. I appreciate the filing of the motion by the majority leader because we didn't have any other choice.

MEASURE PLACED ON THE CALENDAR—H.R. 4156

Mr. REID. Mr. President, I understand that H.R. 4156 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4156) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending 2008, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this measure.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Reid (for Dorgan/Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we are back on the farm bill. To refresh memories, we have now been on the farm bill 10 days. This is our tenth day. Not one vote has occurred. We have tried time and again to bring up amendments, and they have been objected to. I will attempt to do that again this morning. I will wait until my ranking member is present. I see that Senator SALAZAR is here to speak on the farm bill.

I wish to make it very clear, tomorrow morning we will have a vote on cloture on the farm bill. I want there to be no mistake in anyone's mind: Tomorrow morning's vote will be a vote on whether we have a farm bill this year. If we get cloture on the farm bill tomorrow, we will have a farm bill this year. We will be able to pass a bill in the Senate, we will go to conference, and we will send it to the President.

If we do not get cloture tomorrow, that is like killing the farm bill. A vote against cloture will be a vote to kill the farm bill. We will run out of time. We will be out of here at Thanksgiving for 2 weeks. When we come back, we have all the appropriations bills to do, we have the Iraq funding bill to work out, and we will only have about 3 weeks before Christmas. Therefore, if we do not get cloture, that is like saying we don't want a farm bill. So I hope everyone understands what the stakes are.

I also hope no one has the mistaken impression that because we invoke cloture, they cannot offer amendments. I got that question from a press person this morning. I had to inform them that, no, if we get cloture, we have 30 hours of debate and people can offer amendments during that 30 hours.

I just spoke with our leader. It would be the prerogative, if we wanted to on the majority side, if we got cloture, to lay down one amendment and take all 30 hours and debate it and block everybody from offering amendments. That has happened around here before, by the way, where we get cloture and then block it and nobody gets to offer any amendments until the end. Then we get into this vote-arama where we have votes on amendments but nobody gets to talk about them. We are not going to do that.

If we get cloture, I will try to reach an agreement with my ranking member, Senator CHAMBLISS, so we can have, say, at least a half hour debate on every amendment and vote. That would give us a shot at having probably pretty close to 20 amendments that could be debated and on which we could vote.

At the end of the 30 hours, of course, any amendments still pending have a right to have a vote. There would be a minute on each side to explain those amendments, and we would vote on them.

I want to make it clear that voting for cloture does not cut off amendments. Yes, it may cut off nongermane amendments dealing with whether we are going to go to the Moon or Mars or whether we are going to do wacky stuff such as that. Yes, it cuts that stuff out. But any amendment that is germane to the farm bill can be offered and will be voted on even after cloture. I want to make that very clear.

If we do not get cloture, that is it; that is the end of the ball game, and I don't know when we can ever come back to the farm bill after that. Certainly not this year.

It is getting late. The crops are in. In most parts of the country, crops are in. And now they are beginning to think about next year. Bankers want to know, farmers need to know what the program is going to be for next year. Will it be this one or will it be what we have come up with in our farm bill and worked out with the House. So it is getting very late, and we need to get this bill done.

I encourage all Senators, we are open for business now. We can take amendments now. We can debate amendments, and we can vote on amendments all day today.

Shortly, I will be asking consent to bring up amendments. I am going to ask consent to bring up Republican amendments that are filed. I have a Lugar amendment. I have a Roberts amendment, an Alexander amendment, a Lott amendment, and I am going to be asking consent to bring up those amendments. If there is no objection, we will bring them up, have a debate, and we can have votes on a lot of amendments this afternoon.

I want to make it very clear again: This side is not holding up the process. We want to vote; we want to debate. Just as yesterday, I wanted to bring up five amendments yesterday and have limited time and vote on them, but it was objected to. I will try that again today. Hopefully, maybe we can make some movement and we can have some votes today on some amendments. I will be doing that shortly.

I see the Senator from Colorado is on the Senate floor. He has been a great member of our Agriculture Committee. No one has worked harder than Senator SALAZAR in getting us to the point where we have a farm bill that came out of our committee without one negative vote.

I say to my friend from Colorado, someone this morning on a press call asked me: If you don't get cloture, if you don't get this bill, or if the President vetoes it and you have to go back, what are you going to do differently?

I said: I don't know how much we can do differently to get more of a positive vote out of our committee than a unanimous vote. What do you do that is different from that? It is not as if we had a split vote on the committee and we still have to work it out. We didn't have one dissenting vote, so I am not certain how we get much better than that.

I thank my friend from Colorado for all of his hard work on this bill. He was instrumental in a number of issues before the committee, especially on energy, on conservation. The Senator from Colorado was instrumental in working out the agreements and making sure we had a bill that got a unanimous vote out of our committee. I thank him for that.

He has been a champion of ranchers and farmers, a real champion of moving us ahead in energy, in renewable energy, farm-based energy, bio-based energy, which will get us off the Mideast oil pipeline that we have been on for far too long.

Again, I thank my friend from Colorado for all of his hard work. With him, I am hoping we can get cloture on this bill tomorrow and move ahead and go to conference and get a bill we can send to the President. I thank my friend from Colorado for all of his help in getting this farm bill here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come here again, some 10 days after we brought the farm bill here to the floor, and I want to say first of all to my good friend from Iowa, the chairman of the Senate Agriculture Committee, TOM HARKIN, that there are few people who really understand the importance of rural America and agriculture in the way TOM HARKIN does. There are very few people on the floor of the Senate today who can claim they still live in the same house in which they were born. Few people here can say they know the pain and suffering and the challenges, the hopes, and the optimism of rural America in the way TOM HARKIN does.

The best of what we have here in the Senate today we see in someone like TOM HARKIN, who is here for the right reasons—standing up as a champion for agriculture, for rural America, and for America in general because he understands what is at stake. He understands that the food security of the Nation is at stake. Senator HARKIN understands what is going on with respect to the oil addiction of America and foreign oil and the importance of American farmers and ranchers helping us to grow our way to energy independence. Senator HARKIN understands how important it is to be a champion of the most vulnerable in our society by having the kind of nutrition programs that will put fruits and vegetables and other kinds of healthy foods in the stomachs of our children as they are trying to learn. Senator HARKIN understands the importance of standing up and fighting for our land and for our water and making sure farmers and ranchers across America, who are some of the best stewards of our lands and water, have the right tools so that we have a conservation ethic that is appropriate at the dawn of this 21st century.

So I say this to my friend from Iowa: I applaud his efforts in bringing us to this point. This has been an effort which is not one we dreamt up overnight to bring to the floor of the Senate just 10 days ago; it is an effort that has consumed thousands upon thousands of hours, with hearings all over the country. And it was not only Senator HARKIN and his leadership, but it was also Senator CHAMBLISS, working as the ranking member alongside Senator HARKIN, trying to get us to a point where we had a farm bill we could bring to the floor of the Senate.

At the end of the day, there are not many votes on major bills that come out of committee on a voice vote. We had Democrats and Republicans saying this is a good farm bill. This is the way for the future. So I am very hopeful that tomorrow morning at 9, 9:30, 10 o'clock, when we come to the floor, we take the lead of Senator HARKIN and our colleagues on both sides of the aisle, Democrats and Republicans, and vote yes on the cloture motion before us. It is important that we move forward in that direction.

I will remind my colleagues—as Senator HARKIN already has reminded our colleagues—that even though we get to cloture tomorrow morning, we will still have an opportunity to go through a number of amendments. We have another 30 hours of debate and multiple amendments that can be considered and many votes that can be had as we move forward to try to improve upon the product of the Agriculture Committee. But if we don't get cloture tomorrow, we are, in fact, endangering the prospect of even getting to the farm bill.

Now, we have some people who may say that what is happening here in the Senate is that there is a stall underway, a stall to keep us from getting to action on a very important piece of legislation for America. That may very well be true. But if those who are trying to stall this important measure have their way, then those voices that need champions, those voices in rural America, those farmers and ranchers, those who care about food security, they will be the ultimate losers in this debate.

I don't think today in my State of Colorado, on the eastern plains or the San Luis Valley or the Western Slope or in Weld County, CO, the farmers and ranchers or those rural communities really understand what is going on here, but what they should understand is we will have an opportunity in the vote we will have here tomorrow morning to make a determination as to whether the farm bill moves forward. So for those who vote yes, they are saying they feel we do need a farm bill for America. For those who say no, whatever their motivation might be, they are saying we should not and that we should allow this very important issue to take a secondary seat. So I ask for those voices that care so much about what we have done in this farm bill to rise and make sure Members of this Chamber know of the importance of getting cloture tomorrow morning so that we can move forward on the farm bill.

Over the last several weeks, I have spoken often here on the floor regarding the farm bill, and I have spoken about the importance of this farm bill with respect to its imperative direction in producing healthy and safe foods here in America. It is a vital piece of legislation that will provide us with clean, renewable energy and be a keystone in a clean energy economy of the 21st century. It is vital to fighting the hunger we see among our school children and hunger that still affects millions of Americans. It is vital to our rural communities, in making sure we give them an opportunity to stand on their feet again. It is vital to our farmers and to our ranchers and to their very livelihood.

This morning I want to speak to a part of the farm bill which is important, and that is conservation, the part of the farm bill that deals with fighting for and protecting our land and our water. Senator HARKIN and others have been champions of this aspect of the farm bill, and I applaud them for their efforts.

The bill we have brought to the floor does more for conservation than any farm bill in the entire history of the United States. It does more for conservation than any bill in the entire history of the United States. So for all of those Americans who care about how we take care of our land and water, it is important that they have their voices heard on getting this farm bill moving forward.

The farm bill has an enormous impact on this Nation's land and water. Non-Federal agricultural and forest lands occupy 1.4 billion—that is billion, not million, 1.4 billion—acres or nearly 70 percent of the lands of the 48 contiguous States. Mr. President, 7 out of 10 acres in the United States of America, in the 48 contiguous States, are affected by this farm bill. These lands provide the habitat and corridors of support for healthy wildlife populations, they filter our groundwater supplies, they regulate surface water flows, sequester carbon, and provide the open space and vistas that make America a place we all love. As I learned from working for a long part of my life on a ranch and farm in southern Colorado, farmers and ranchers are some of the best stewards of these resources. Farmers and ranchers want to take care of their land, and they want to do what is right for the protection of our environment.

The conservation programs that are in this farm bill reauthorize what are already some programs that are making a major contribution to the land stewardship challenges of the last half century.

In 1982, not so long ago, widespread soil erosion was degrading water quality in rivers and streams and putting dust in the air at dangerously high levels. But since 1982, with the Conservation Reserve Program, the EQIP program, and their predecessor programs, total erosion on U.S. cropland has fallen by more than 43 percent. Since 1992, total erosion on U.S. cropland has fallen by more than 43 percent. We are succeeding, and we can make more progress.

The investments we make in the Conservation Reserve Program, which puts environmentally sensitive croplands into conservation uses, results in the following: First, $266 million annually in environmental benefits from reduced sediment loads in streams and rivers, $51 million annually from reduced dust and wind, and $161 million annually from increased soil productivity.

Here is a picture that the Natural Resources Conservation Service sent to me a few days ago from Colorado. This shows how some of our conservation dollars are spent.

I wish to thank Allan Green, our State conservationist, and Tim Carney, our assistant State conservationist, for helping us with this effort on conservation. And I thank all the staff, all the dedicated staff of NRCS, who dedicate their hearts and souls to making sure America's farmers and ranchers are doing the best they can on conservation.

This is a picture of some of my friends and colleagues in the Saint Vrain and Boulder Creek watersheds. What these farmers and ranchers are learning here behind the tractor, working with NRCS, is how to work on watersheds with some of the new practices that have come into play in farming and ranching over the last several decades which will allow them to reduce their tillage, to reduce their consumption of energy as they are tilling those lands, and at the same time to increase the yields in their fields.

The field day, which is depicted here in this program, was part of a 3-year EQIP conservation innovation grant that was done in partnership with the local conservation district, local farmers, seed companies, and farm equipment dealers. At the end of the day, these farmers went home with new ways to reduce erosion and to boost their bottom line.

The conservation program we are authorizing in the farm bill today also helps us protect the very wetlands of America that are so valuable to hunters and to anglers, to wildlife watchers, and to those of us who care so much about the beauty of this place. Indeed, for those of us who come from a natural resources background, we know that more than half of all of the species of wildlife essentially reside around these wetlands and river corridors of our Nation. So what we do with this farm bill in terms of the protection of wetlands and continuing the Wetlands Reserve Program is very important to all those who care about hunting, who are the anglers of our Nation, and who care about making sure we are protecting our wildlife.

Starting in the mid-1950s, we were losing over half a million acres of wetlands every year—half a million acres of wetlands. To put it into perspective so that people will understand, it is like losing the same amount of acreage that makes up all of the District of Columbia every year. Thanks in large part to the Wetlands Reserve Program and CRP, we have achieved the goal of having no net loss—no net loss—from agriculture. In fact, from 1997 to 2003 in that 6-year period, we had a net gain of 260,000 acres of wetlands here in America.

This is a picture of the Wetlands Reserve Program project near Berthoud, along the Front Range, north of Denver. WRP funded 70 percent of the $12,000—70 percent of the $12,000—it took to restore this wetland. You can see what great waterfowl habitat and nesting areas it created along the shoreline. When you look at this beautiful picture—and, yes, I happen to live in the State which is the crown jewel of the Nation in terms of its beauty—you see the mountains, the snow-capped Rockies in the background, but you also see part of what makes Colorado such a wonderful place; that is, the agriculture that feeds into this wetland and a wetland that has now been restored to provide the valuable wildlife and water quality values I addressed a few minutes ago.

This farm bill and the Wetlands Reserve Program is part of what is at stake on this vote that we take tomorrow morning, on whether we move forward with the farm bill.

At the end of 2005, nationwide we had 1.8 million acres enrolled in the WRP. We had 2 million acres of wetlands and buffer zones in the area that were enrolled in CRP. This is great for the bird watchers, for the anglers, for the hunters. CRP alone yields about $737 million a year in wildlife-related benefits.

The conservation program in the farm bill also helps ensure that we have healthy ranges and that animal waste does not harm water quality. Here is an example of EQIP, along Pawnee Creek near the Colorado-Wyoming border. EQIP provided about $3,000—around 50 percent of the project cost—to install this water tank for livestock. This tank is part of a grazing system with a stock well, a pipeline system, and cross fencing that facilitates rotational grazing.

For those of us who come from the West, we understand the importance of water. I often say, for us in the West, we all recognize that water is the lifeblood of our community. Without the waters of the streams and rivers and aquifers in my great State, we would continue still to be the great American desert. It is important we take care of our water in the right way. We know that, it is part of our heritage in the State of Colorado. EQIP is representing these ranchers, making sure we are taking care of a very precious resource.

As this picture shows, a small investment from EQIP results in more balanced grazing, less erosion, improved water quality, and improved wildlife habitats.

I see my friend from New York is here. I have probably 4 or 5 more minutes to go. Through the Chair, I say I will continue to speak but to let him know I have probably another 5 or 10 minutes on the farm bill, and I will yield the floor to my friend from New York.

This is a picture of an irrigation ditch. Through the improvements made on the irrigation ditch, it will make sure there is less water loss along this ditch so water can be more efficiently and more effectively applied on the soil that will be irrigated from this ditch.

I could speak for a long time about the benefits of the Conservation Reserve Program, the Wetlands Reserve Program, the Environmental Quality Incentives Program, the Farm and Ranchland Protection Program, the Grassland Reserve Program, and many other programs we are reauthorizing in the farm bill. You see the benefits of the farm bill and the programs in this legislation throughout my State of Colorado. From my native San Luis Valley in the south to the Yampa River Valley in the north, they have made an immeasurable difference over the last two decades.

I am proud this farm bill reauthorizes these programs and invests $4.4 billion in conservation, a record amount in conservation. The growing pressures on agricultural lands make it all the more important that we pass a farm bill with a strong conservation title. I wish to again applaud Chairman HARKIN, Ranking Member CHAMBLISS, and Senator BAUCUS, the chairman of the Finance Committee, as well as Chairman GRASSLEY, for their contribution—the members of both committees who have brought a great farm bill to the floor of the Senate. I hope we can get beyond the roadblocks that some Members have placed before this legislation. We need to pass this bill for the good of America.

Finally, again, I think we need more people in the Senate who understand the importance of this farm bill. We need more people who understand the food security of our Nation should not be imperiled.

That sign on my desk that says ''no farms, no food,'' is something we ought to be hitting everybody over the head with every day, as we deal with this very important part of our legislative responsibilities, to make sure we have the food security we so need in this country.

We also need to make sure, on this floor, there are people who have a strong voice for those farmers and ranchers who work very hard every day, in a way that you only know when you have worked on a farm or a ranch, to make sure we have that food security for America. For most people in America, when you are out there at work and it is 5 or 6 o'clock, you look at your clock and it is time to go home. If you are a farmer or rancher and you look at your watch and it is 5 or 6 o'clock, more than likely you have another 4 or 5 hours to go.

Then, when you get home, you know you have probably 5 or 6 hours' sleep before you have to get up and make sure you are milking the cows, if you are a dairy farmer, or make sure you are out checking the calves that are being born on the spring days or that the water is being changed at the right time so you are not wasting water, at 2 or 3 or 4 in the morning. It is a hard life out there on the farm. It is a hard life out in rural America. It is important this Senate stand up strong and say yes to rural America, yes to rural communities that want to rebuild themselves, yes to the future of our energy security as we grow our way to

energy independence, yes to the future of our nutritional programs for America, yes to the future of those who want to protect the land and water of America.

This is the right bill. It is important for people to come to the floor of this Chamber tomorrow morning and to cast their vote ''yes'' on the cloture motion before us.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, let me thank my colleague from Colorado for, as always, his excellent remarks. One of the many things he does for our Senate and our Democratic caucus in particular is constantly remind us of the problems in rural America. He has a link, coming from a great family tradition in rural America, a farming tradition, a tradition that has gone back centuries. When he speaks on these issues, many of us from more urbanized States listen. I thank him for his courtesy. Not that we don't have great farmers in New York—we do.

I am here to talk on a different subject. I ask unanimous consent to speak as in morning business.

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

THE PRIME LENDING CRISIS

Mr. SCHUMER. Mr. President, I rise today to discuss the subprime lending crisis and the plan we are executing to address the foreclosure wave that threatens home ownership and our broader economy. Rampant predatory lending practices across this Nation have left millions of American homeowners stuck with unaffordable and unfair subprime loans. As a result, 2 million families now face the prospect of foreclosure and the loss of their homes over the next 2 years unless we take action. The number is going to get worse because the loans that were made in 2006 and this year, 2007, usually do not reset until 2008 and 2009. Because so many people who accepted these loans—took these loans—were taken advantage of, the interest rate will skyrocket for them. Many of them will not be able to afford it.

Foreclosures entail not only direct costs to the lenders and borrowers but also high spillover costs that are felt by neighboring homeowners, communities, and local governments in the form of lower home values, lost property tax revenue, and increased maintenance costs. A recent report by the majority staff of the Joint Economic Committee estimated that each foreclosure can cost $227,000 in direct and indirect costs. That is astounding. The homes on a street or in a neighborhood that has had foreclosures often go down in value. Even if you are perfectly safe, even if you have already paid your mortgage and have no intention of taking out another one, you are at risk because of this foreclosure crisis, in terms of the value of your home.

The numbers mean that if the housing market slump continues through the next 2 years, as many economists estimate, approximately $103 billion in housing wealth will be destroyed as these homes are foreclosed on; $103 billion in lost wealth at a time when our families can least afford it.

In addition, States and local governments will lose nearly $1 billion in property tax revenue over the next 2 years as a result of the destruction of housing wealth caused by subprime foreclosures. That is $1 billion less funding for public schools and public safety, and that is the direct property tax loss. We are not talking about the other losses States and local governments will see as a result of the broader economic impact of the crisis.

We are not talking about the financial burden that cities and towns all over the Nation will face to maintain vacant properties and to prevent crime near abandoned homes. We are also not talking about cost to the larger economy. When home values go down because of this crisis, consumers spend less. Consumer spending has been the engine of this economy. It accounts for about 70 percent of our GDP. Statistics show when home values go down, consumers spend less. So this is ricocheting from one end of the economy to the other. Again, even if you live in your home and paid off your mortgage, you will be affected by this unless we act.

The frustrating thing is we know what to do here. We cannot make this crisis go away; there is no magic wand. It took years of neglect, years of ideological aversion to even commonsense regulation of the now-unregulated mortgage brokers. But the frustrating thing—frustrating for this Member who has been talking about this for a long time—is we know what to do. This administration, when it comes to the subprime crisis, has remained like an ostrich with its head in the sand, not paying attention. Why? Why don't they see what everyone else sees?

The reason is quite simple. We have ideologues who run this administration. Their view is Government should never be involved. Let the homeowner pay the price. Let the economy pay the price. Because to get the Government involved is bad.

They can't prove that; that is their ideology. If there were ever a time when we needed some thoughtful, careful, moderate but directed Government intervention—not to bail out anybody; those people will pay the price, you read it in the financial pages of the newspapers right now—but to help our Nation out of this crisis at a time when other things such as high oil prices are hitting, makes eminent sense. The time to act is now, while we still have a chance to save these homes and strengthen our floundering housing market.

I am proud to say today that my colleagues, we in the Senate, will have an opportunity to act and take action on two measures that are designed to use the tools of the Federal Government to assist in helping the 2 million subprime borrowers facing foreclosures with alternatives for loan workouts, refinancings, and modifications. I hope our colleagues on the other side of the aisle will agree with us that these actions are urgently necessary. To wait even 3 or 4 months will have this crisis grow in problems for those homeowners whose mortgages go up, for those financial institutions that have the mortgages but, to a far greater extent, to our economy—neighbors affected and consumer spending.

I hope my colleagues on the other side of the aisle will join us in helping take the urgent action that is needed now—not next month, not in February but now.

First, we will take action to pass the FHA modernization bill. This legislation makes several important changes to FHA, including adjustments to its downpayment requirements, loan limits, and underwriting standards to give the FHA more flexibility to assist subprime borrowers with safe and sustainable refinancing alternatives before their loans reset to unaffordable rates. With these changes, FHA will be able to rescue tens of thousands of American families from the financial ruin of foreclosure.

The legislation will also make improvements to FHA's counseling and foreclosure prevention programs to ensure that borrowers who have already faced the specter of the loss of their home will not have to go through the ordeal again. The FHA legislation is modest. It has bipartisan support. It has the support of the administration. What are we waiting for?

Second, we are pushing the passage of the PROMISE Act, a bill to temporarily increase the portfolio caps on Fannie Mae and Freddie Mac by their regulator.

This is legislation I have introduced, along with Congressman FRANK in the House. The bill will alleviate the predicted wave of foreclosures by giving Freddie and Fannie 10 percent more balance sheet capacity. But it does not just give them the balance sheet capacity and say: Do what you want with it; we hope some will go to help avoid foreclosures through refinancings.

We say 85 percent of that increase must be dedicated to assisting subprime borrowers who are stuck in risky adjustable rate mortgages. The legislation is based on the premise that in troubled market times like these, when private firms are unwilling or incapable of providing the financing necessary to help subprime borrowers, it is appropriate and necessary for the government-sponsored enterprises to step in and provide liquidity. This is why we have GSEs. They are quasi-private, quasi-public. They have a certain and special responsibility when the Nation's economy is at risk. They are not the same as any private company whose job is to make money for its owners or its stockholders. But at the same time, they have the expertise of

the private sector and the clout of the private sector to get something done in an efficient and directed way.

We have all heard that GSEs are the only game in town when it comes to secondary market trading, due to profound distrust of credit quality and rampant uncertainty about the rating agencies. We have to use the liquidity GSEs provide to target those subprime borrowers in need of a way to save their homes.

What is frustrating is the administration is opposed to this legislation because they do not like Fannie and Freddie. They say: Let the markets take care of this in their own way. That is a lesson that was widely accepted in the 1890s and to some extent in the 1920s, but this is 2007. We know thoughtful, well-thought-out Government intervention, in a careful way, works and is needed. We also know if we do not have it, the booms and busts of the economy and to individuals will be far greater, and starting with Woodrow Wilson and then with Franklin Roosevelt and with Democratic and Republican Presidents alike since World War II, we have learned that at times Government intervention is called for, particularly when the private sector is unable to act. In this case, the private sector is clearly unable to act.

Over the coming weeks, we also plan to pass $200 million in the Transportation-HUD appropriations bill for housing counseling organizations that specialize in foreclosure prevention. Here is another problem. A homeowner, and many of the homeowners who are in foreclosure or about to go in foreclosure, these are homeowners who could qualify for prime loans, but they were taken advantage of by rapacious mortgage brokers. And now they are stuck. But they are not really stuck, they have a revenue stream.

People I have met, Mr. Ruggiero, the late Mr. Ruggiero, a subway motorman; Ms. Diaz, a clerk at a hospital for 35 years with a pension, they have the income. Mr. Ruggiero of Queens, Ms. Diaz of Staten Island, they have the income to refinance. The trouble is there is no one there to help them do it. They cannot do it on their own.

There are no banks. Banks do not do this stuff in good part anymore. There are nonprofits, able, dedicated, capable, knowledgeable nonprofits that could come right in and fill the lurch.

Now, you, Mr. President, the Senator from Ohio, and the Senator from Pennsylvania, and I were able to persuade Senator MURRAY who, in her wisdom and always willingness to help, put first $100 million, then $200 million into the appropriations bill for housing counseling organizations that can provide this help.

At a cost of as little as a few hundred dollars per borrower, housing counselors can prevent foreclosure that results in economic loss of $227,000 direct and indirect, on average. This is a highly cost-effective investment. We urge the administration not to veto this emergency funding when the Senate passes it. If it is vetoed, and this crisis gets worse, a portion of the blame, a good portion, will be at the President's doorstep, plain and simple.

I hope the President will not veto it. Most everyone who has looked at this legislation says it is needed. If we can do these three things—FHA reform, lifting the portfolio caps for Fannie and Freddie, and money for housing counseling—we will not end the subprime crisis, it is too deep already. But we can abate it, and we can get our country focused on moving again economically and on to so many other problems that face us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CONRAD. I think this would be an opportune time to pass the farm bill. Does anybody object?

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CONRAD. Look, we obviously are not going to do that, take advantage of this situation. But I must say, I am tempted after days and days of not being able to consider amendments on the farm bill that is critically important to this Nation's economy.

We got the bill through the Agriculture Committee without a single dissenting vote. Twenty-one members of the Senate serve on the Senate Agriculture Committee. That is over one-fifth of the Senate. After months of difficult negotiations we reached conclusion.

Now we are in this circumstance in which people want to offer amendments on everything from the *Exxon Valdez* to medical malpractice to immigration to labor issues to a whole series of things that have nothing to do with the farm bill.

Now, we all understand that very often hundreds of amendments are filed on major bills that Senators have no intention of actually offering. Certainly, we know there are hundreds of amendments filed on this bill. But I say to my colleagues, this has now gone on for 10 days. We have not considered one amendment. We have not considered a single amendment.

At some point, one would hope there would be an accommodation. Typically, in a situation like this, the accommodation is that a certain number of amendments are offered by each side.

That list is agreed to, entered into the RECORD, and votes are held. Typically on a farm bill there are about 20 amendments voted on, 20, 22, 24. We could have been done with this bill by now. We could have been finished in the Senate. Then we would be in the conference committee to work out the differences between the House and Senate. But we are where we are.

The reasonable way out of this is to proceed as Senator REID offered last night. I heard him clearly. He said we would take only five amendments on this side. If they need more amendments on their side, he is open to considering their amendments, even some of them nonrelevant. He made very clear he would accept a certain number that are nonrelevant. I ask our colleagues on the other side, can't you come up with a list of amendments that you absolutely have to have voted on, including those nonrelevant amendments that you believe you have to have a vote on? Can't you do that? Couldn't we enter that into the RECORD and conclude work on this farm bill?

Why is it important? Why does this farm bill matter? First, because we have a food policy in this country that is making a difference. How do we know that? Here is the first way we know it. Who pays the least for food in the world? It is our country. The numbers are very clear. We spend 10 percent of our disposable income on food; 5.8 percent is spent on food eaten at home; 4.1 percent is spent on food eaten away from home. So of the 10 percent of our disposable income that goes for food, about 60 percent of that is food eaten at home, so about 6 percent.

The comparable figure in these other countries is Japan, 14 percent of their income goes for food eaten at home; France, 15 percent; China, 26 percent; Philippines, 38 percent; Indonesia, 55 percent. There is no country that comes even close to ours in terms of the percentage of income going for food eaten at home. Even when you factor in food eaten outside the home, we are far less than any other country in the world.

Of course, as the Chair knows well, the distinguished Senator from Colorado, who is such a valued member of the Agriculture Committee, who also is an important member of the Finance Committee, these are not only agriculture provisions, these are provisions that come from the Finance Committee on an overwhelmingly bipartisan vote, provisions to provide an incentive to reduce our dependence on foreign oil. This bill is called the Food and Energy Security Act because it looks to both, and both are critically important. Agriculture is one place where we still export more than we import, one of the few places in the economy where that is true. On energy, it is one place where we could actually help dramatically reduce our dependence on foreign oil. It has been done in a fiscally responsible way.

I hear the news broadcasts. I see what is written in some of the press. It is amazing that they don't have the basic facts of this legislation, and they don't present them to the American people.

Let me show this chart. Commodity programs, which are a small fraction of this bill, are the support programs for the major commodities in this country. They draw all the criticism, all the heat. The fact is, commodity program costs are going way down. This red line shows what the Congressional Budget Office estimated would be the cost of commodity programs when the last farm bill was written. This red line is what they estimated the farm program would cost, the commodity parts of the farm bill. But look at what has actually happened. We are well below their estimates, not only for the current farm bill but look at the estimates going forward. The costs of the commodity program are down dramatically from the past farm bill, from the projections that were made at the time the last farm bill was written. As a share of total Federal spending, it is also down.

According to estimates when the last farm bill was written, the total farm bill passed in 2002 would take 2.33 percent of total Federal spending and the commodity programs would take .75 of 1 percent. Now as we look to this new farm bill and what the Congressional Budget Office is saying—these are not my numbers or Ag Committee numbers—they say the Food and Energy Security Act costs will be down to less than 2 percent of total Federal spending. In fact, 1.87 percent of total Federal spending. And the commodity programs, the things that draw the controversy, are down to one-quarter of 1 percent of total Federal spending.

I have not seen that statistic written in a single Washington Post column. I have not seen it on any of the television broadcasts, not one. They are supposed to be giving the American people the information they need upon which to base a decision, and they are not telling people that the farm program is being reduced as a share of Federal spending or the commodity program is one-third of what it was estimated to be when the last farm bill was written. I don't see a single column telling the American people that fact. I don't see a single broadcast that allows that fact to be told to the American people. The Food and Energy Security Act as a share of total Federal spending is going down, not up. The commodity programs are going down, not up, as a share of total Federal spending.

The other thing they seem to forget about is where does the money go? This pie chart shows where it is going. Almost two-thirds of the money, 66 percent, is going for nutrition. That is not just farm States; that is in every State. Every State has school lunch. Every State has food stamps. Every State has food banks. Every State, every community benefits by the nutrition spending in this bill. It is nearly two-thirds of the total. I don't see that reported by a single news source. I haven't seen any of them report that basic fact. I haven't seen any of them say 9 percent of the money is going for conservation of natural resources. That is money that goes to every State of the Nation. I don't see any of them reporting that less than 14 percent of the money is going for commodity programs.

The fact is, this legislation is important to the Nation. It is important to the agriculture sector, no doubt, but it is also critically important to our energy security to reduce our dependence on foreign oil. It is critically important to our economy. It is critically important to our continuing competitiveness, because the Europeans, our major competitors, are spending more than three times as much to provide support to their producers as we provide to ours. What are we supposed to say to our producers? You go out there and compete against the French and the German farmer, and while you are at it, go compete against the French Government and the German Government too. That is not a fair fight. Our farmers and ranchers can take on anybody. They are happy to compete against the French and the Germans. But they can't be expected to take on the French Government and the German Government as well. That is exactly what is happening in world agriculture. The Europeans are providing three times as much direct support to their producers as we provide ours. That is a fact. Those are not my numbers. Those are the numbers from the OECD, the international scorekeeper that keeps track of competitive positions.

What happens if we pull the rug out from under our producers when they are faced already with a more than 3-to-1 disadvantage going up against our biggest competitors? What happens? Two words: Mass bankruptcy. That is what would happen. Farm income would plummet in this country. Cash flow would dry up. Farm and ranch families would be forced off the land. America would experience in agriculture what we have already experienced in so many other economic sectors. We would become dependent on the kindness of strangers for our food. We are already dependent on the kindness of strangers for our money because we are borrowing so much money, because we are not being fiscally responsible. We already are dependent for 60 percent of our energy on foreign countries. Sixty percent of our oil comes from abroad. We are headed for 70 percent on energy if we fail to act.

The Food and Energy Security Act is one place we could make a meaningful difference in reducing our dependence on foreign oil. Why? Because it encourages and provides incentives for the development of ethanol, and ethanol not just from corn but ethanol from cellulose, things such as switchgrass and wood fiber. Because we know we cannot attain the goals this Congress and this President have set for the country in alternative fuels by only relying on corn for ethanol. We will have to have a breakthrough on the use of cellulosity. There are other provisions to encourage the use of biodiesel fuel as well as ethanol.

We look around the world. We don't have to look far to see other countries that have made significant progress in reducing their dependence on foreign oil by looking at alternative fuels. Look at the case of Brazil. Brazil, a number of years ago, was 80 percent dependent on foreign energy. Just as we are 60 percent on foreign energy today, they were 80 percent dependent. Today they are on the brink of energy independence. That is startling. They have gone from 80 percent dependence on foreign energy to virtual energy independence. They have done it over a 20-year period. They have done it by focusing on ethanol and flexible fuel vehicles, and what a difference it is making to their country. Look at their economy. It is soaring. Think how different our country would be if instead of spending $270 billion a year importing foreign energy we were spending that money here at home, helping to grow our way out of this energy crisis. We could do it. Instead of maintaining this dependence on the Middle East, how about looking to the Midwest? How about having a circumstance in which a President could wake up in the morning and know he didn't have to worry or she didn't have to worry about what was going to happen in the Middle East and how that might threaten the energy security of our country, because that person might know we no longer were dependent on Saudi Arabia, on Kuwait, on Venezuela; that instead we were able to produce the energy here at home.

This isn't a fantasy. It is a possibility. But it is only going to happen if we take steps. Some of the steps that are needed to be taken are in this legislation, this legislation that is going nowhere over some argument that the other side ought to be able to offer a whole bunch of amendments on things that have absolutely nothing to do with food and energy security. Medical malpractice, *Exxon Valdez*, the alternative minimum tax—those have nothing to do with the farm bill. But those are amendments that are pending on the other side.

A final point I want to make is from an article in the Wall Street Journal from September 28 of this year. The headline of this chart is ''Farm Productivity Spurs Global Economy.''

Somehow, something has happened in this country. We have forgotten about our roots. We have forgotten about where we came from. We have forgotten about what has helped America be strong. Right at the core of our strength and our success has been an incredibly productive agricultural sector—farm and ranch families all across this country who have dramatically increased their productivity through technology and through their own good work.

But look at what it means not just to us but around the world. This, again, is

from the Wall Street Journal of September:

The prospect for a long boom is riveting economists because the declining real price of grain has long been one of the unsung forces behind the development of the global economy. Thanks to steadily improving seeds, synthetic fertilizer and more powerful farm equipment, the productivity of farmers in the West and Asia has stayed so far ahead of population growth that prices of corn and wheat, adjusted for inflation, had dropped 75 percent and 69 percent, respectively, since 1974. Among other things, falling grain prices made food more affordable for the world's poor, helping shrink the percentage of the world's population that is malnourished.

How did all this happen? If the farm policy of this country, which is the dominant agricultural producer in the world, is so flawed—as is repeated hour after hour by every broadcast station in this country and repeated in newspaper column after newspaper column—how is it we have had this incredible success and it has gone completely or virtually unnoticed by the major media? Could it be that maybe they have not done a very good job of telling the American people the full story? Could it be that they have been so eager to find fault with every corner and every piece of farm legislation because they kind of at heart look down on people who work the land? I hate to say it, but I think now we are getting at the truth. I think there is a deep arrogance among some about people—farm and ranch families—who are out there, and they want to somehow believe they are superior to them. They want to believe they are farming the mailbox and that there are all these endless abuses.

It is fascinating, if there are all these endless abuses, why do the reform proposals that have been presented and have been suggested raise so little money? If there is this rampant abuse, as is presented in the popular media, why do all the measures to reform the system save so little money? How could that be? Could it be because the abuses that do exist—and there are abuses—could it be that they are the exception rather than the rule? Could it be that we actually have an agricultural policy in this country that has worked so remarkably well that the price of grain, corn and wheat, adjusted for inflation, has dropped 75 percent and 69 percent, respectively, since 1974? Could it be that we have an agricultural policy in this country that has worked beyond anyone's fondest dreams? Could it be that those who put this policy in place actually knew what they were doing? Could it be that one of the reasons for America's remarkable success and agricultural abundance and low food prices relative to every other country in the world is because we have been doing something right? Could that be?

Maybe it is. Maybe that is the real story the popular media has not written or broadcast. Maybe they have failed to see that part of America's success story is America's agricultural policy—a policy that now can extend not only to food security—and, by the way, has anybody been watching lately what happens when we become dependent on foreign countries for our food supply? Has anybody been watching the questions of food safety from not only food but other products coming from foreign countries?

Is anybody paying attention to the energy opportunity that is in this legislation to reduce our dependence on foreign oil and help further strengthen this incredible country?

It is easy to criticize. It is easy to point the finger. It is easy to castigate. It is easy to act superior. It is hard to produce something that builds a better future for our people. That is hard.

I will just ask those who have been such constant critics: Can't you open your mind just a little bit and acknowledge what is clearly the larger truth? The larger truth is, we have the cheapest food as a percentage of income in the history of the world. The truth is, we have the most abundant and the safest food supplies of any nation in the history of mankind. The truth is, the cost of this program is going down as a share of the total Federal budget—and in the case of the commodity programs, going down dramatically. The truth is, we have an opportunity to improve the energy security for our country. The truth is, we have a chance to strengthen the economy and to make this a much more secure country. Right now, that opportunity is being missed.

Look at this Chamber. This is the Thursday before we are supposed to leave for 2 weeks for Thanksgiving. I hope when people sit around those family tables across America enjoying the bounty of our country, they think, for just a moment: Where did that bounty come from? It did not just come from the grocery store. I am talking about who grew the crops, who raised the livestock, who raised the poultry we are going to enjoy around that dining room table. Where did it come from? How much does it cost in relationship to what others are paying around the world?

What is the further opportunity we have to reduce our dependence on foreign energy? Isn't part of it—a significant part of it—anchored in the rural communities of America, a place where we could help grow our way out of this dependence on foreign energy by producing it right here at home?

I hope Americans will think about this. I hope even some of our critics in the media will think—gee, maybe shouldn't they report the full story? Maybe should just one article talk about the positive things that have happened? I know the good news is not news according to the news media, but I do not know how the American people can be expected to make a fair and objective decision on the merits of this legislation or the food policy of the country if they are not given the whole story—the whole story—not just the things they can make into a headline and castigate people.

I hope for just a moment our colleagues will reflect: Does this process—here we are, it is Thursday at 12:40 p.m. Eastern time, and I am the only one here, other than the distinguished Presiding Officer, who is a Member of this body.

Mr. NELSON of Florida. And me.

Mr. CONRAD. And Senator NELSON.

Let me say that I hope our colleagues will think very carefully about how we break this gridlock. This does not reflect well on the body. This does not reflect well on the Senate of the United States that we are not able to move forward on legislation that came out of the committee without a single dissenting vote and we have been stuck here for 10 days doing nothing. I hope we are going to prove we are better than this when we return.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wish to say to my colleague from North Dakota what an absolute delight he is to speak with such passion, as he does, about things he knows so much about and how he can explain it in understandable terms.

Farm bills are one of the most complicated things in the world because of the balancing of all the different interests, with these elaborate farm support programs, that you have to have a Ph.D. in mathematics, sometimes, to understand. Senator CONRAD is someone who speaks so eloquently and yet so simply in explaining it. He comes from the land, and he represents a lot of those who earn their living from the land, as does this Senator from Florida.

Most people think of Florida as Disney World and high tech and the space center and so forth. People would be amazed that Florida agriculture is—next to the service industry, which is tourism—just about equal to any other industry as the second largest economic impact interest on our State. Our beef cattle industry is huge. Our citrus industry is huge. So it is with a great deal of passion, like Senator CONRAD, that I take the floor to try to articulate the importance of a farm bill to the people in our State as well as has been articulated by the Senator from North Dakota.

Now, I wish to talk not just about the farm bill. I want to talk about a major amendment that is pending, and that is the Lugar-Lautenberg amendment in taking a completely fresh look at how we protect the Nation's agriculture. I am very happy to be an original cosponsor of this amendment.

No doubt, farmers are facing difficulties. We rely on them for our food. Senator CONRAD said it best: In this time of thanksgiving, as we sit around a table of bounty, we should be grateful we live in a land where our basic food and nutrition is met for most Americans. And I say ''most Americans'' because some do not.

Because we have an effective farming industry, it demands we continue to be good stewards of the land and the water. We rely on those farmers to persevere during times of natural disaster and uncertainty, where major natural disasters, such as hurricanes, can completely eliminate the citrus crop in Florida, which threatens their very solvency. Then, at the same time, we are asking them not to give in to the pressures, the financial pressures to sell their land for development. This is particularly acute in a State such as Florida where the land value has risen so much that it almost does not make economic sense for the farmers to continue to farm their land.

These farmers are providing our food to our citizens—and not only to America but to the world. We must provide farmers a safety net in the many programs we do here in the farm bill, in other natural disaster bills—a safety net for their times of uncertainty. We have a system that works for many, but this system in a State such as Florida doesn't work for all. In fact, a majority of our Florida farmers are not eligible to participate in a lot of these farm programs that receive the lion's share of the payments in the bill we are going to vote on. This system, as I said, is so complicated it is nuanced. Many of the programs in the farm bill were started as a temporary fix of the immediate problem that the country was facing at the time, but then they get extended time and time again. Then, contrary to their original intent, they become permanent, and some of them have become corrupted—some of those programs—by people who exploit them.

OK. It is time for us to step back and take a fresh look at this and determine how we can best support our farmers. I believe the Lugar-Lautenberg approach I have joined is an amendment that does that. The amendment is going to flow out of the normal farm program and it would provide every farmer in this country who chooses to participate with farm insurance, which would be provided at no cost. Farmers then would have a guarantee that their revenue would reach a certain threshold based on local conditions instead of national standards. This is a remarkable shift from the way we do business now. But it means we eliminate the direct payments to farmers whose land hasn't been farmed in years or who are selling their crops at record high prices. Instead, under this amendment, we are going to provide them with a safety net to fall back on if their farm revenues suddenly drop or if a bad year hits. Guess how much money it is going to save. Upwards of $4 billion. Even by giving the farm insurance at no cost to the farmer, it is going to save billions of dollars.

The Senate bill we now have on the floor has parts of it that are very good. It increases money for nutrition programs which are going to make a tangible difference in the lives of those on food stamps. It has a tangible increase for the conservation programs which will make significant strides in protecting our lands and watersheds. But this amendment I am talking about, the Lugar-Lautenberg amendment, goes even further. It fully funds the nutrition programs across 10 years—not just 5 as in the committee bill—and it expands programs such as the simplified summer food program. It accounts for an additional $150 million each year to provide for school lunches, and some of those school lunches are going to children—hungry children—in the developing world. It increases the conservation spending by $1 billion. At the end of the day, the amendment saves billions of dollars by taking out the antiquated direct payments program.

My State of Florida has more acres of orange and grapefruit groves than any other State and it ranks among the top five when it comes to growing vegetables, not even speaking about what I already told my colleagues; you would be surprised among the beef cattle industry how big we are. Until this year, the needs of specialty crops such as citrus and vegetables were barely mentioned in farm legislation. The committee bill we are now debating finally addresses this part of agriculture that is so near and dear to our hearts, and so much of a staple for us in Florida, by making tremendous advances in research, pest and disease mitigation, technical assistance, and block grants. I give sincere thanks to Chairman HARKIN and his committee for what they have done, but guess what. The Lugar-Lautenberg amendment goes even further. It provides over $750 million more to specialty crops and still manages to save $20 billion. I said $4 billion earlier. I said billions. That is true. We are talking about $20 billion of savings in overall support for agriculture by taking this farmers' insurance program at no cost to the farmers.

Specialty crops certainly aren't just important to Florida. Fruits and vegetables are an absolute necessity of healthy eating everywhere, and this Lugar-Lautenberg amendment gives an additional $200 million to the Women, Infants and Children Farmers Market Nutrition Program which makes fresh, locally grown fruits and vegetables a part of their daily diets—daily diets of women and young children who can't afford them. Not only is it going to make our children grow up strong and healthy, but it also supports the local farmers. There is also an extra $250 million in this amendment for a similar program that serves low-income senior citizens.

I have been on this Senate floor time and time again to call attention to the plight of one of our great national, international, and natural treasures: the Florida Everglades. I am happy to tell my colleagues there is an important step in this Lugar-Lautenberg amendment in conserving the endangered Everglades, as it includes $35 million that can be used to complement efforts undertaken by the State of Florida to restore the northern part of the Everglades system, which is the area that is so located that pollutes so much of the rest of the Everglades as the water flows south, because it is the area north of Lake Okeechobee that is critical to the larger ecosystem further to the south. While this is a small part of what is needed to preserve the overall Everglades and to restore the Everglades, it is another opportunity we can do something about, in helping clean up that water that is flowing into Lake Okeechobee that ultimately flows south into the Florida Everglades.

This amendment is a fresh, effective way of how we can do business in agriculture, and I urge my colleagues to support it.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Colorado

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SALAZAR. Madam President, I come back to the floor this afternoon at 1:35 p.m. eastern time just to remind my colleagues about the importance of the issue we are working on. This farm bill, which is the Farm, Fuel, Security Act, is something that is very important to the future of America.

We are knocking on the door of Thanksgiving for all Americans, where we will all be giving thanks for the bounty we produce in this country for our families and for the lives we live in this wonderful and free America. But without the hard work of farmers and ranchers throughout this country, that very food supply which will give us that great joy during this holiday would not be there.

This is one time every 5 years—one time every 5 years—where the Members of the Senate get to stand up and take stock of the importance of our farmers and ranchers and rural America and the importance of nutrition for our young people in our schools and those who are the most vulnerable, those on food stamps, and the importance of dealing with protecting our land and water and dealing with the future energy supply needs of America. So as we approach this Thanksgiving celebration, it is important for all of us to think back, to reflect upon what is happening in the Senate today.

Some 10 days after we started this farm bill, and after 3 years of hard labor with both Democrats and Republicans to get us to this farm bill, we are now stuck in this procedural impasse we find ourselves in. I think it is a shame that we are where we are. I

think it is a shame that we are not able to move forward.

Last night I heard the majority leader, Senator REID, come to the floor and say: This farm bill is important. Senator REID said: I want to get a farm bill. He said: We will offer, on the Democratic side, to limit the number of amendments to five. With some almost 300 amendments filed on this bill, Senator REID said: We will limit the number of Democratic amendments to five, and we will give you, if you want twice as many amendments, we will give you twice as many amendments. Yet no deal.

Why no deal? Why no deal? Why can't we even agree on a subset of amendments we can debate on the floor and then vote on them and move forward on this farm bill? Is it that there is a slow walk, a stall underway because some Members in this Chamber don't want a farm bill? Are there some Members in this Chamber who do not want a farm bill?

There is a reality, and the reality is that it is possible for us to still get a farm bill. It is still possible for us to get a farm bill. We can move together tomorrow and get 60 votes on the cloture vote. We can have Republicans joining Democrats to get those 60 votes, and then we will move forward with a procedure under the postcloture rules of the Senate to address a series of germane amendments that will improve the bill. So we could still get a farm bill.

The question is, Do the members of the minority in the Senate today want to get a farm bill or do they not? Are the politics being pushed going to triumph over public purpose, which we have tried to address in this farm bill? Are they going to allow politics to triumph over that public purpose?

I would hope not. And I would hope when we come together in the Senate to vote on the cloture motion tomorrow, that there is a resounding yes that we are going to move forward and complete this farm bill; that we are going to enter into the postcloture period where we will address the germane amendments to this legislation, and at the end of the day we will have a farm bill that can be passed and then sent to the President for his signature.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN. I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

UNSAFE IMPORTS

Mr. BROWN. Madam President, as the holiday season approaches and parents are buying toys and other consumer products for their children, I would like to put that in the context of what has happened with our economy, what has happened with our trade policy, and what has happened with the breakdown of the part of our Government—the Consumer Product Safety Commission, the Food and Drug Administration, the U.S. Department of Agriculture—that is there for one simple reason; that is, to protect our people. The Environmental Protection Agency is there to make sure our air and water are clean, the Food and Drug Administration is there to make sure our pharmaceutical supplies and food supplies are safe, the U.S. Department of Agriculture is there to make sure other food coming across our borders and food that is produced in this country is safe, and the Consumer Product Safety Commission is charged by this Congress, by our Government, to make sure our consumer products are safe.

Through the last many years—exacerbated, made worse by the policies of the incumbent, the present administration—we have established a situation that is almost a perfect storm for bad outcomes.

Last year, in 2006, we imported about $288 billion worth of goods from China. Tens of millions of dollars of those goods were toys, toothpaste, dog food, and other kinds of consumer products. When you buy tens of billions of dollars of consumer products from China, you understand implicitly that those products are made and manufactured and produced in a country that puts little emphasis on safe drinking water, clean air, food safety, purity in pharmaceuticals, and consumer product safety. So when you buy tens of billions of dollars of goods produced in China, you can bet there is a good chance much of their food or ingredients might be contaminated, much of their toys and tires can be defective.

Put on top of that the fact that many U.S. companies go to China as they outsource jobs and they close down production facilities in St. Louis, in Independence, in Kansas City in the State of the Presiding Officer, or in Cleveland, in Dayton, in Gallipolis and Steubenville and Lima in my State. They close down production and outsource these jobs to China.

These American companies then subcontract with Chinese companies to make these products. When they subcontract with these Chinese companies, knowing that production in China is not as safe, either for the worker or for the safety of the product, knowing that production in China can often mean contaminated food products and vitamins and toothpaste and dog food, and at the same time understand those American companies that are subcontracting with these Chinese companies, Chinese subcontractors, the American companies are pushing them to cut costs—you have to cut these costs, you have to cut these corners, you have to make these products cheaper—when you do that, it should not come as a surprise to Americans, or to our Government, that you are more likely to get tires that are defective, more likely to get contaminated toothpaste or inulin in apple juice, you are more likely to get products that simply don't work as well, and you are more likely to get lead-based paint coating our toys. Why? Lead-based paint is cheaper to buy, less expensive to apply, it is shinier, and it dries faster.

When American companies—without mentioning any names of American toy manufacturers—push their Chinese subcontractors to make it cheaper, to cut costs, to save money for these companies, it is almost inevitable that these products are going to have lead-based paint, are going to have other kinds of consumer safety problems. You have them made in China with a nonexistent safety regulatory mechanism, made by companies subcontracting with United States companies that are telling them to cut costs, and then these products come into the United States.

What happens here? President Bush has weakened the whole regulatory structure. What does that mean? What he has done is dismantled a lot of the protections of the Consumer Product Safety Commission, the U.S. EPA, the Food and Drug Administration, and the Department of Agriculture.

Again, why are we surprised when Jeffrey Weidenheimer, a professor at Ashland University in my State, at my request tested 22 toys bought in the local store 10 miles from where I grew up and found 3 of them had excessively, dangerously high lead content? Six hundred parts per million is what we as a country have established as a safe amount of lead—600 parts per million is safe. One of the products he tested, a Frankenstein drinking mug for children, had 39,000 parts per million.

Why does that happen? Because Nancy Nord and the Consumer Product Safety Commission aren't doing their job. They have half the budget they had 20 years ago, and the budget has continued to be cut by President Bush. They have weaker rules, and they have a Consumer Product Safety Commission chair who simply says: We are doing the best we can with what we have. Chairwoman Nord has come in front of the Commerce Committee and said: I do not need a budget increase; things are just fine in my agency. She also has lobbied against the legislation from my seatmate, Senator PRYOR, who has introduced legislation that will strengthen the Consumer Product Safety Commission.

The solution to all this, without great detail, is to begin to change our trade policy. So if we are going to buy tens of billions of dollars of toothpaste and dog food and apple juice and other food products and vitamins and toys and tires from the People's Republic of China, from that Communist regime, that also means they are going to have to begin to follow better safety regimens for the products they produce. It

means American companies that import have to be responsible. If you are an American company and you go to China, you hire a subcontractor, and you bring those products back into the United States, it is up to you, in your corporate and your personal responsibility, to guarantee the safety of those products.

It means a better Consumer Product Safety Commission. It means that Nancy Nord should step aside, the Chairwoman of the Consumer Product Safety Commission. It means the President of the United States, who has shown little interest in that agency except to weaken and defund it, needs, actually, to appoint four new Commissioners. There are only two there now; they have five spots. The President, for whatever reason, has not replaced them. He needs to appoint a new chair to this Commission. Nancy Nord has shown she is both indifferent to making this Commission work and, frankly, has too great a bias to the companies she is supposed to police. She has traveled with them. She has traveled with them at their expense and done all kinds of things and clearly has not shown any real interest in making our Consumer Product Safety Commission work.

It is up to us as Members of the Senate, Members of the House, this Government—it is up to us. Our first responsibility is to protect our people, and that means in terms of the air we breathe, the water we drink, the food we eat, the consumer products we use, and the toys that are in our children's bedrooms and playrooms. The road is clear, the road we should drive down. Nancy Nord should go.

Beyond Nancy Nord's resignation, we need the President's attentiveness to the Consumer Product Safety Commission. The Senate needs to pass the legislation from Senator PRYOR, and we need to move forward.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALEXANDER. I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

COMMERCE-JUSTICE APPROPRIATIONS

Mr. ALEXANDER. Madam President, I regret to report that the conference committee for the Commerce-Justice-Science appropriations bill has been indefinitely postponed. I wanted to take just a few minutes and say from my point of view why it has been postponed and to express my hope that it can be put back on track soon, in the regular order, and that we can move ahead and deal with it.

The Commerce-Justice appropriations bill includes funding for the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives. It includes appropriations for NASA, for the National Science Foundation, and the U.S. Commission on Civil Rights.

Here is what has happened. It is important for my colleagues to know this. The reason the Appropriations Committee conference has been postponed is because the Speaker of the House objects to an amendment which I offered in the Appropriations Committee, which was adopted by the committee, adopted by the full Senate, and which the House of Representatives instructed its conferees to approve. I have been told that unless I agree not to bring the amendment up in conference, the conference will not meet.

Let me describe the amendment. I believe most Americans will be surprised to learn what its subject is. The amendment I offered in the Senate Appropriations Committee is an amendment to make clear that it is not against the Federal law for an employer to require an employee to speak English on the job. Let me say that again. My amendment, which was adopted by this Senate, was to make it clear that it is not against the Federal law for an employer to require an employee to speak English on the job. That was adopted by the Appropriations Committee. Among those voting for it were the chairman of the Appropriations Committee, Senator BYRD, and the ranking Republican member, Senator COCHRAN. When it went to the House, there were two votes on it, but the second vote had the House, as a majority, instructing its conferees to agree with the Senate position and make it the Federal law.

Why did I offer such an amendment? I offered the amendment because the Equal Employment Opportunity Commission, a Federal agency, has determined that it is illegal for an employer in this country to require employees to speak in English while working. As a result, the EEOC has sued the Salvation Army, for example, for damages because one of the Salvation Army thrift stores in Boston required its employees to speak English on the job. The EEOC says this is a discrimination in violation of the Civil Rights Act of 1964. It says, in effect, that unless the Salvation Army can prove this is a business necessity, it can't require its employees to speak English.

In plain English, this means that thousands of small businesses across America—the shoe shop, the drugstore, the gas station—any company would have to be prepared to make their case to the Federal agency—and perhaps hire a lawyer—to show there is some special reason to justify requiring their employees to speak our country's common language on the job. I believe this is a gross distortion of the Civil Rights Act, and it is a complete misunderstanding of what it means to be an American.

I do not say this lightly. Since the 1960s, in Tennessee, at a time when it was not popular, I have supported, I believe, and voted for, when I have been in a position to do it, every major piece of civil rights legislation that has come down the road from the early days. I believe in that passionately. I remember the 1964 Civil Rights Act and the Voting Rights Act and all those important pieces of Federal and State legislation which have made a difference to equal rights in our country. But I cannot imagine that the framers of the 1964 Civil Rights Act intended to say that it is discrimination for a shoe shop owner to say to his or her employee: I want you to be able to speak America's common language on the job. That is why I put forward an amendment to stop the EEOC from filing these lawsuits.

That is why the Senate Appropriations Committee agreed on June 28 to approve my amendment. That is why the full Senate on October 16 passed a bill including my amendment. That is why the full House of Representatives voted to instruct its conferees to agree with the Senate on November 8. That is why, I believe, that the Senate-House conference on this appropriations bill should include the amendment in the conference report so it can become law.

Let me step back for a minute and try to put this small amendment in a larger perspective. Our country's greatest accomplishment is not our diversity. Our diversity is magnificent. It is a source of great strength. Our country's greatest accomplishment is that we have turned all that magnificent diversity into one country. It is no accident that on the wall above the Presiding Officer are a few words that were our original national motto: E Pluribus Unum, one from many, not many from one.

Looking around the world, it is worth remembering that it is virtually impossible to become Chinese, or to become Japanese, or to become German, or to become French. But if you want to be a citizen of the United States of America, you must become an American. Becoming an American is not based on race. It cannot be based upon where your grandparents came from. It cannot be based upon your native religion or your native language. Our Constitution makes those things clear. In our country, becoming an American begins with swearing allegiance to this country. It is based upon learning American history so one can know the principles in the Constitution and the Declaration of Independence.

The late Albert Shanker, the head of the American Federation of Teachers, was once asked what is the rationale for a public school in America? He answered: The rationale for public schools is that they were created in the late part of the 19th century to help mostly immigrant children learn the three Rs and what it means to be an

American, with the hope that they would go home and teach their parents the principles in the Constitution and the Declaration that unite us.

Our unity is based upon learning our common language, English, so we can speak to one another, live together more easily, and do business with one another. We have spent the last 40 years in our country celebrating diversity at the expense of unity. It is easy to do that. We need to spend the next several years working hard to build more unity from our magnificent diversity. That is much harder to do. One way to create that unity is to value, not devalue, our common language, English. That is why in this body I have advocated amendments which have been adopted to help new Americans who are legally here have scholarships so they can learn our common language.

I have worked with other Members of this body on the other side of the aisle to take a look at our adult education programs which are the source of funding for programs to help adults learn English. There are lines in Boston and lines in Nashville of people who want to learn English. We should be helping them to learn English. We could not spend too much on such a program.

That is why with No Child Left Behind, one of the major revisions we need to do is related to children who need more help learning English, because that is their chance in their school to learn our common language, to learn our country's principles and then to be even more successful.

Not long ago, before Ken Burns's epic film series on World War II came on television, my wife and I went to the Library of Congress to hear him speak and to see a preview of the film. He was talking, of course, about World War II and that period of time. It was during World War II, he said, that America had more unity than at any other time in our history, which caused me to think, as I think it must have caused millions of Americans to think: What have we done with that unity since World War II? Our pulling together since then, our working as one country has been the foundation of most of our great accomplishments.

That is the reason we have the greatest universities, that is the reason we have the strongest economy, that is the reason we still have the country with the greatest opportunity. Quoting the late Arthur Schlesinger, in Schlesinger's 1990s book which was called ''The Disuniting of America,'' Ken Burns told us that: Perhaps what we need in America today is a little less pluribus and a little more unum.

I believe Ken Burns's quote of Arthur Schlesinger is right about that. One way to make sure we have a little more unum, a little more of the kind of national unity that is our country's greatest accomplishment, is to make certain we value our common language, that we help children learn it, that we help new Americans learn it, that we help adults who do not know it to learn it, and that we not devalue it by allowing a Federal agency to say it is a violation of Federal law for an employer in America to require an employee to speak English on the job.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I understand that the majority may move to proceed to the supplemental bill passed by the House last night. That bill imposes at least two policy restrictions that will compel a veto: directing the readiness standard the Defense Department must follow before a unit may be deployed, and expanding the interrogation procedures established in the Army Field Manual over to the intelligence community.

The House bill will also compel the immediate withdrawal of forces, regardless of what General Petraeus's orders may be. Petraeus has established a reasonable timeline for the transition of mission and drawdown, and, frankly, we ought to support him. The Marine expeditionary unit identified by General Petraeus in September for withdrawal has left Iraq, and an Army brigade is headed home over the next month.

CLOTURE MOTION

Madam President, I move to proceed to Calendar No. 484, S. 2340, the troop funding bill. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2340, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008.

Mitch McConnell, Saxby Chambliss, Bob Corker, Wayne Allard, Thad Cochran, John Cornyn, Kay Bailey Hutchison, Lisa Murkowski, Orrin Hatch, Richard Burr, Trent Lott, Mike Crapo, Pat Roberts, Chuck Grassley, Jon Kyl, Norm Coleman, Mel Martinez.

Mr. MCCONNELL. Madam President, Secretary Gates stated clearly yesterday that the Army and Marine Corps will run out of operating funds early next year. This funding shortfall will harm units preparing for deployment and those training for their basic missions. We should not cut off funding for our troops in the field, particularly at a moment when the tactical success of the Petraeus plan is crystal clear. Attacks and casualties are down. Political cooperation is occurring at the local level. We should not leave our forces in the field without the funding they need to accomplish the mission for which they have been deployed.

The Pelosi bill, if it was to get to the President's desk, of course, would be vetoed, as was the supplemental bill sent to the President earlier this year that contained a withdrawal date. Because we have a responsibility to provide this funding to our men and women in uniform as they attempt to protect the American people, we need to get a clean troop funding bill to the President.

There is no particular reason to have all the votes that are likely to be coming our way tomorrow. I have indicated repeatedly to the majority leader—and we have at the staff level—that we would be more than happy on this side of the aisle to move both the farm bill cloture vote and whatever cloture vote or votes we end up having on the troop funding issue up to today. I hope there is still the possibility of doing that. I know Members on both sides of the aisle, in anticipation of the 2-week break, have travel plans. I am all for staying here longer if it makes sense, but under this particular set of circumstances, it doesn't make sense.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

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

THE FARM BILL

Ms. STABENOW. Madam President, I rise to speak about the importance of the farm bill. I also wish to express the same deep concern about what is happening on process in the Senate, as so many of my colleagues and the majority leader have. This is the second week we have been trying to pass a food and energy security bill that is important for every community. The process that has gone on, frankly, since the beginning of the year, is one of delay, slow walking, and filibusters over and over again.

Yesterday, I showed a chart that read ''52 filibusters so far this year.'' Tomorrow we have potentially three more votes to close off filibusters. One relates to funding on the war that is tied to a policy change the majority of Americans want to have happen to move our men and women out of the middle of a civil war, to refocus us instead on the critical areas of counterterrorism, training, support for Americans who remain, those things the majority of Americans want to see happen. We have to stop a filibuster on

that tomorrow morning. We then have two votes potentially on stopping filibusters on the farm bill. So my ''52'' is, as of tomorrow, potentially 55 filibusters this year.

We have never seen the level of filibustering that we have had in the current session of the Senate with our friends on the other side of the aisle.

In spite of the slowdown, in spite of the blocking of efforts to vote on amendments and to get a farm bill done last week, in spite of efforts this week, I am proud to say that yesterday we were able to work together to pass a reauthorization of Head Start. This is something that was done on a bipartisan basis. It will go to the President. We expect him to sign it. It will increase standards for teachers and extend resources so more children can receive Head Start funding. Head Start is so important to prepare children for school, to give them a head start. It is a wonderful program that involves parents being a part of the effort of preschool education. Despite what as of tomorrow will be 55 filibusters this year, we once again have put forward something that is important to the American people—investing in our young children, getting them ready to go to school. The Head Start bill did pass. I am pleased it did.

Concerning the farm bill that is in front of us, we have worked so hard together. We have a bill that came out of committee unanimously, a strong bipartisan effort to not only support traditional agricultural commodities but also to move us in new directions for the future. I am pleased, in addition to traditional farm programs that are supported in Michigan, that we were able to add support for the 50 percent of the crops grown that haven't been under the farm bill; specialty crops, fruits and vegetables are now a part of this farm bill. That is important.

We have also tied that to a partnership to expand nutrition, a significant new program expansion—it is beyond a pilot—the chairman of the committee has let in on fresh fruits and vegetables as snacks in schools, rather than children going to a vending machine and getting soda pop or candy. There are many parts of this farm bill that focus on nutrition. In fact, most people will be surprised to know the majority of the farm bill, over 60 percent, is in fact focused on nutrition. We need to get this done. We need to get this done both for our growers as well as for children, seniors, food banks that receive help, farmers' markets, organic farmers. This is very important.

We also in this farm bill have done something very significant—I notice our chairman from the Finance Committee on the floor who has led us in this, he and our ranking member—and that is creating a permanent disaster relief program as a part of the farm bill. I am very pleased that fruit and vegetable growers will be able to participate. We need to be able to respond quickly when there is a disaster—a flood, a drought, other kinds of disasters.

We also have moved this farm bill more aggressively in the direction of alternative energy, alternative fuels, biofuels. This is important in getting us off gasoline, off oil, when we look at prices continuing to rise every day. It is also a way to create jobs. In Michigan, we are creating hundreds of jobs now, with thousands to come, from ethanol plants and biodiesel plants. As we move to cellulosic ethanol, we will be able to create new opportunities for my sugar beet growers and the folks up north who are involved in timber and wood products, as well as switchgrasses and other areas. This is important. It is time to get this done, alternative energy for the future, addressing our energy needs, supporting our farmers.

I am proud also that American car companies within the next 3 years, by 2012, half of what they produce, half of what they manufacture will be flexfuel vehicles, ethanol, other flex fuels. We need to get this farm bill done to be able to support that effort.

Rural development is a critical part as well. I have small communities all over Michigan that would not have water and sewer projects if it was not for USDA rural development—another critical part of this bill.

I would simply say we have seen now, since last week, delay after delay after delay on giving us the opportunity to move forward and get this farm bill done. Now is the time to do that. I hope tomorrow we will vote to stop filibustering, we will vote to proceed to a critical bill.

Folks think the farm bill is only about rural communities, but all of us are impacted by every part of this farm bill. We need to get this done. It is time to get this done. I do not want to keep having to change this chart over and over again, although I fear I will, on how many times there is delay, how many times there is filibustering going on.

We have a farm bill in front of us that needs to get done for all of us. It has been done in a truly bipartisan way. It has very broad support. Now is the time to get this done for our American farmers and our families.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Montana.

DRUG SAFETY INTIMIDATION

Mr. BAUCUS. Mr. President, I see my good friend from Iowa, Senator GRASSLEY, is on the floor. We will both speak on the same subject. I have a statement, and then I think he wants to speak next on the same subject.

Today, Senator GRASSLEY and I are placing in the CONGRESSIONAL RECORD a Senate Finance Committee staff report which describes a very disturbing series of events related to the safety of the diabetes drug Avandia.

I commend Senator GRASSLEY for his efforts on this issue, and I recommend this report to my colleagues.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE STAFF REPORT TO THE CHAIRMAN AND RANKING MEMBER

Committee on Finance

United States Senate, November 2007

THE INTIMIDATION OF DR. JOHN BUSE AND THE DIABETES DRUG AVANDIA

A. INTRODUCTION

The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs. Accordingly, it has a responsibility to the more than 80 million Americans who receive health care coverage under those programs to oversee the proper administration of these programs, including the payment for medicines regulated by the Food and Drug Administration (FDA). Given the rise in health care costs and the need to maintain public health and safety, Medicare and Medicaid dollars should be spent on drugs and devices that have been deemed safe and effective for use by the FDA, in accordance with all laws and regulations.

This report summarizes the Committee Staff's findings to date regarding GlaxoSmithKline's (GSK) intimidation of an independent scientist who criticized Avandia, a drug GSK manufactures to control glucose levels in diabetics. This report is based upon an intensive review of documents provided by GSK and others.

In a letter dated May 21, 2007, the Committee asked GSK about allegations that its company executives intimidated a research scientist in 1999. At the time of the alleged intimidation, GlaxoSmithKline was called SmithKline Beecham. In 2000, SmithKline Beecham merged with Glaxo Wellcome to create GlaxoSmithKline. Accordingly, throughout this report, the newly formed company will be referred to as GlaxoSmithKline/GSK.

In response to the Committee's letter dated May 21, 2007, that first raised these concerns about retaliation, GSK quickly issued a press release to repudiate the allegation. Specifically, the Wall Street Journal wrote, ''[GSK] called the suggestion 'absolutely false.'" However, internal company documents seem to contradict that claim and reveal what appears to be an orchestrated plan to stifle the opinion of Dr. John Buse, a professor of medicine at the University of North Carolina who specializes in diabetes.

In particular, GSK's attempt at intimidation appears to have been triggered by speeches that Dr. Buse gave at scientific meetings in 1999. During those meetings, Dr. Buse suggested that, aside from its benefit of controlling glucose levels in diabetics, Avandia may carry cardiovascular risks.

The effect of silencing this criticism is, in our opinion, extremely serious. At a July 30, 2007, safety panel on Avandia, FDA scientists presented an analysis estimating that Avandia caused approximately 83,000 excess heart attacks since coming on the market. Had GSK considered Avandia's increased cardiovascular risk more seriously when the issue was first raised in 1999 by Dr. Buse, instead of trying to smother an independent medical opinion, some of these heart attacks may have been avoided.

According to documents provided to the Committee by, among others, GSK, and the University of North Carolina, it is apparent that the original allegations, regarding Dr. Buse and GSK's attempts at silencing him

are true; according to relevant emails, GSK executives labeled Dr. Buse a ''renegade'' and silenced his concerns about Avandia by complaining to his superiors and threatening a lawsuit.

Even more troubling, documents reveal that plans to silence Dr. Buse involved discussions by executives at the highest levels of GSK, including then and current CEO Jean-Pierre Garnier. Also, GSK prepared and required Dr. Buse to sign a letter claiming that he was no longer worried about cardiovascular risks associated with Avandia.

After Dr. Buse signed the letter, GSK officials began referring to it as Dr. Buse's ''retraction letter.'' Documents show that GSK intended to use this ''retraction letter'' to gain favor with a financial consulting company that was, among other things, evaluating GSK's products for investors. After cutting short Dr. Buse's criticism, GSK executives then sought to bring Dr. Buse back into GSK's favor.

While publicly silent subsequent to signing the ''retraction letter,'' Dr. Buse still remained troubled about Avandia and its possible risks. Years later, he wrote a private email to a colleague detailing the incident with GSK:

''[T]he company's leadership contact[ed] my chairman and a short and ugly set of interchanges occurred over a period of about a week ending in my having to sign some legal document in which I agreed not to discuss this issue further in public.''

Dr. Buse ended the email, ''I was certainly intimidated by them. . . . It makes me embarrassed to have caved in several years ago.''

GSK's behavior since the Committee first brought these allegations to light has been less than stellar. Instead of acknowledging the misdeed to investors, apologizing to patients, and pledging to change corporate behavior, GSK launched a public relations campaign of denial. Specifically, GSK sent out a press release titled ''GSK Response to US Senate Committee on Finance'' which stated that the allegations raised by the Committee were ''absolutely false.'' Further, CEO Jean-Pierre Garnier denied having any knowledge of the alleged intimidation of Dr. Buse in an interview that ran in July in The Philadelphia Enquirer.

B. DETAILED REVIEW OF DOCUMENTS

The Committee initiated an investigation into the risks and benefits associated with the diabetes drug Avandia in the spring of 2007. That investigation was prompted when the New England Journal of Medicine published an article by Dr. Steven Nissen and Ms. Kathy Wolski, noting that Avandia was associated with serious cardiovascular risk, including heart attacks.

Dr. John Buse is an expert in diabetes with extensive research experience in the thiazolidinedione (TZD) class of drugs. This class includes Rezulin (troglitazone), Actos (pioglitazone), and Avandia (rosiglitazone). In 1999, Dr. Buse sent a letter to the FDA stating that Rezulin should not be withdrawn over worries about liver toxicity. He noted that the liver toxicity and other safety issues surrounding the alternatives—rosiglitazone and pioglitazone—were not yet known. He noted that the three compounds ''are dramatically different in their interaction with their proposed receptor.''

Dr. Buse added that he was a consultant for Takeda-Lilly, the manufacturer of Actos and had been a consultant for SmithKline Beecham, which manufactured Avandia. Documents from this period show that Dr. Buse was an investigator for a SmithKline Beecham study on rosiglitazone as a treatment for diabetes.

Also in early 1999, Dr. Buse gave speeches at meetings of the Endocrine Society and the American Diabetes Association (ADA). At both meetings, he suggested that Avandia may carry increased cardiovascular risks.

In June 1999, GSK executives discussed Dr. Buse in a series of emails they titled, ''Avandia Renegade.'' One email reads:

''[M]ention was made of John Buse from UNC who apparently has repeatedly and intentionally misrepresented Avandia data from the speaker's dais in various fora, most recent among which was the ADA. The sentiment of the SB group was to write him a firm letter that would warn him about doing this again . . . with the punishment being that we will complain up his academic line and to the CME granting bodies that accredit his activities. . . . The question comes up as to whether you think this is a sensible strategy in the future (we don't really do too much work at UNC to make any threats).

The email series also includes threats that might be made, including a lawsuit and contacting Dr. Buse's colleagues at UNC. SB in this email refers to SmithKline Beecham which is now GSK.

In response to this series of emails, Dr. Tachi Yamada, GSK's head of research at the time, wrote in an email that he had discussed Dr. Buse with GSK's CEO Dr. Jean-Pierre Gamier as well as David Stout, a senior GSK executive. Dr. Gamier and Mr. Stout are copied on the email. Specifically, Dr. Yamada's email reads:

''In any case, I plan to speak to Fred Sparling, his former chairman as soon as possible. I think there are two courses of action. One is to sue him for knowingly defaming our product even after we have set him straight as to the facts—the other is to launch a well planned offensive on behalf of Avandia. . . .''

Indeed, Dr. Yamada called Fred Sparling, Dr. Buse's department chairman. Three days later, Dr. Buse wrote a letter to Dr. Yamada attempting to clarify his position on Avandia. Dr. Buse's letter began, ''I wanted to set the record straight regarding all the phone calls and questions I have received. . . .'' The phone calls that Dr. Buse referred to were made by GSK officials including Dr. Yamada regarding the speeches that Dr. Buse gave at conferences suggesting cardiovascular problems associated with Avandia.

Dr. Buse continued, ''I believe as a clinical scientist that the null hypothesis should be that rosiglitazone has the potential to increase cardiovascular events.'' Dr. Buse went on to say that his chairman had informed him that GSK executives perceived him as ''being for sale'' because he received speaking fees from Takeda. Dr. Buse added that he heard ''implied threats of lawsuits from my chairman and James Huang. . . .'' who was then a product manager with GSK.

Dr. Buse ended the letter to Dr. Yamada by writing, ''Please call off the dogs. I cannot remain civilized much longer under this kind of heat.''

Along with his letter to Dr. Yamada, Dr. Buse enclosed a separate letter. GSK officials later referred to that second letter as the ''Buse retraction letter.'' In the ''retraction letter,'' Dr. Buse attempted to clarify the remarks he made at the medical conferences regarding Avandia.

On July 1, 1999, Dr. Yamada wrote to Dr. Buse, thanking him for the detailed explanation. Dr. Yamada's email reads, ''As you may be aware, my phone call to Fred Sparling was aimed at being educated. . . .'' The letter is copied to CEO Jean-Pierre Garnier.

That same day, several GSK employees discussed Dr. Buse in an email chain that questioned whether or not Dr. Buse signed the ''retraction letter'' that was prepared by GSK. The email reads:

''[H]ave you heard back from Dr. Buse? Did he sign your proposed letter? Assuming he does retract, what are we planning to do to let the world know that Dr. Buse retracted his statements?''

A second GSK employee responded, ''John Buse kindly signed the clarification letter on his letterhead without any change.''

Later that day, the first GSK employee wrote, ''I'm not certain what damage has now been caused by the Yamada phone call to [Buse's] seniors. . . . Maybe we can obtain clarification of how such situations with U.S. opinion leaders in [the] future should be handled. Yeesh!''

On July 2, 1999, several GSK officials discussed whether to share with financial analysts, what they term the ''Buse retraction letter.'' These financial analysts were evaluating GSK's products for investors.

In an email, a GSK employee wrote discussed talks he had with the financial analysts. Several GSK executives were copied on this email, including CEO Jean-Pierre Garnier, Dr. Tachi Yamada, and Mr. David Stout. The email reads:

''I also discussed how Dr. Buse has also confirmed that caution should be used in comparing the efficacy data and [adverse events] data he presented. That these should not be taken out of context and that the study designs, baselines, etc., etc., . . . were different. . . . As a result of our conversation, [FINANCIAL COMPANY NAME REDACTED] will remove the '?' under the cardiovascular events and they are removing the John Buse table on efficacy presented at the ADA meeting.''

But even after Dr. Buse signed the retraction letter, GSK executives were torn over whether or not they could trust the former ''Avandia Renegade.'' On one hand the documents reveal that some GSK executives were eager to work with Dr. Buse. For instance, in late November 1999, a GSK official sent an email to several executives which read, ''We need to see John Buse ASAP now that we know that he is involved with the NIH [study].''

On the other hand, others at GSK never fully believed that Dr. Buse had completely dropped his concerns with regard to Avandia and its possible cardiovascular risks. In fact, even though Dr. Buse remained silent in public, he continued privately to voice his opinions about cardiovascular problems with Avandia. For example, after signing the retraction letter, Dr. Buse wrote to the FDA Commissioner in March 2000 where he noted:

''In short, the lipid changes with troglitazone and pioglitazone can only be viewed as positive. They are very similar in nature. . . . As mentioned above, I remain concerned about the lipid changes with rosiglitazone. . . . Rosiglitazone is clearly a very different actor. I do not believe that rosiglitazone will be proven safer than troglitazone in clinical use under current labeling of the two products. In fact, rosiglitazone may be associated with less beneficial cardiac effects or even adverse cardiac outcomes.''

The following month, GSK officials acquired a copy of Dr. Buse's letter to the FDA. GSK executives faxed Dr. Buse's FDA letter among themselves with a cover note reading, ''We need to address this as a company. . . . Looks like Dr. Buse doesn't buy into our lipid or cardiovascular story.''

Following Dr. Buse's FDA letter, GSK drafted another letter to Dr. Buse from one of its executives, Martin Freed. The letter reads, ''I remain concerned about your ongoing aggressive posture towards rosiglitazone and SmithKline Beecham. In my opinion, you have presented to [FDA] several unfair,

unbalanced, and unsubstantiated allegations.''

Later in 2000, Dr. Buse reached out to GSK officials, asking them to sponsor a continuing medical education (CME) program about TZD use. Dr. Buse wrote in his request:

''I spoke to Rich Daly, the head of marketing (and sales?) for Takeda. He was going to run the idea of joint support for the CME program by the Takeda lawyers to make sure there are no FTC issues in what I proposed. I highlighted to him that the benefit to Takeda and [SmithKline Beecham] would be the potential to grow interest in the class as a whole and as a very public display of the end of the ''glitazone wars.''

By late 2000, GSK officials appeared to believe that they had the former ''Avandia Renegade'' under control. Emails from this time refer to GSK as ''SB,'' as GSK had not yet been created from the merger. In November, a GSK/SB executive wrote:

''Just a quick note about your comment on Buse. . . . I am getting messages that he is really coming around to the SB side of things. He has stopped his out-right bashing and is now more TZD positive with kind comments on Avandia. . . . David Pernock spoke to him and said something to the effect that [Glaxo Wellcome] is his friend now but GSK will be the future and he needs to realize that. . . .

''I spoke to him separately on a couple of occasions . . . and let him know that our relationship got off on the wrong foot but that is in the past and we want to move on from here. . . . FYI and thanks for your help in bringing J. Buse back to the middle and hopefully beyond.''

However, based upon the documents in the Committee's possession, GSK executives continued to try and shape Dr. Buse's views regarding Avandia. For example, in early 2001, Dr. Buse contacted GSK officials, requesting citations for a textbook he was writing. One official suggested that GSK should both provide and interpret the information for Dr. Buse, stating in an email:

''Our chances on having Buse reflect our views and messages will be enhanced greatly if we tell him what they are rather than relying on him to development [sic] on his own accord via examining data. . . . [F]inally our view of the big picture lipid story including LDL characteristics and fat redistribution cannot be easily gleaned from our collection of pieces. There is no evidence that Dr. Buse will come to these views without some guidance and support. Of course care will need to be taken to work any overview pieces in a way that appears academic rather than too commercial to enhance the probability that Dr. Buse will adopt our views as his own.''

Concern with Dr. Buse reemerged in 2002, as his professional stature grew. That September, GSK officials discussed bringing him further into the fold. A GSK official described him as the ''most powerful Endocrinologist in the Carolinas. . . . [H]e is gaining power nationally and internationally.'' The email continued:

''[We feel] as if Dr. Buse [is] primed to move to a more middle-of-the-road stance concerning TZDs. The timing for this 'shift' has to be right. In my opinion, that right time will be with the launch of Avandamet. He is very excited about the launch of this new combo product and very critical of [COMPANY NAME REDACTED] for not moving faster on their combo. . . . His experience with and advocacy for Avandamet could prove invaluable for it's [sic] in the Blue Ridge region and beyond.''

A different GSK official responded, ''As long as we are on the same page, we could consider him. . . .'' The following week, another official wrote, ''It looks like marketing would like us to move forward using Dr. Buse as an investigator in the Avandamet program. Are you OK with this?'' Avandamet refers to a combination drug for glucose control that combines Avandia with metformin.

Based on the documents in the Committee's possession, it appears that Dr. Buse remained silent about his concerns regarding Avandia for approximately two years. However, in 2005, he once again privately voiced his opinion that Avandia carried cardiovascular risks. In an email he sent to Dr. Steven Nissen, chairman of the Cardiology Department at the Cleveland Clinic, he again revealed his ongoing concerns about Avandia and described his treatment by GSK. Specifically, Dr. Buse wrote:

''Steve: Wow! Great job on the muriglitazar article. I did a similar analysis of the data at rosiglitazone's initial FDA approval based on the slides that were presented at the FDA hearings and found a similar association of increased severe CVD events. I presented it at the Endocrine Society and ADA meetings that summer. Immediately the company's leadership contact[ed] my chairman and a short and ugly set of interchanges occurred over a period of about a week ending in my having to sign some legal document in which I agreed not to discuss this issue further in public.''

Later in the email, Dr. Buse confirmed GSK's treatment of him when he wrote, ''I was certainly intimidated by them but frankly did not have the granularity of data that you had and decided that it was not worth it.''

Dr. Buse concluded in his email, ''Again congratulations on that very important piece of work. It makes me embarrassed to have caved in several years ago.''

C. CONCLUSIONS

The documents in the Committee's possession raise serious concerns about the culture of leadership at GSK. Even more serious perhaps is our fear that the situation with Dr. Buse is part of a more troubling pattern of behavior by pharmaceutical executives.

Specifically, in 2004, Dr. Gurkirpal Singh of Stanford University testified at a Committee hearing that an executive at Merck sought to intimidate him by calling his superiors. Merck also warned Dr. Singh that they would make life very difficult for him, if he persisted in his request for data on Merck's drug, Vioxx. It was later discovered that Vioxx increased the risk of heart attacks and it was withdrawn from the market.

Merck's intimidation of Dr. Singh as it sought to protect Vioxx bears striking similarities to apparent threats by GSK against Dr. Buse to protect Avandia. The Committee is very concerned that this behavior may be more prevalent in the pharmaceutical industry than is evidenced by these two cases.

Corporate intimidation, the silencing of scientific dissent, and the suppression of scientific views threaten both the public well-being and the financial health of the federal government, which pays for health care. The behavior of GSK during the time that Dr. Buse voiced concerns regarding the cardiovascular risks he believed were associated with Avandia was less than stellar. Had Dr. Buse been able to continue voicing his concerns, without being characterized as a ''renegade'' and without the need to sign a ''retraction letter,'' it appears that the public good would have been better served.

Mr. BAUCUS. The report presents evidence that a pharmaceutical company allegedly tried to intimidate a doctor who raised concerns about Avandia's link to heart problems.

A few years ago, the Senate Finance Committee uncovered a similar situation connected to the drug Vioxx.

These actions are unacceptable.

It is critical that our prescription drugs be developed based on rigorous experimentation, the facts, and the science, not on intimidation and threats of lawsuits.

We place a great deal of trust in pharmaceutical companies to make safe and effective products. The health of millions of Americans, from young children to retirees, depends on the careful work of these drug manufacturers.

Today, as I said, Senator GRASSLEY and I are placing in the CONGRESSIONAL RECORD a Senate Finance Committee staff report which describes a very disturbing series of events related to the safety of the diabetes drug, Avandia.

The report presents evidence that a pharmaceutical company allegedly tried to intimidate a doctor who raised concerns about Avandia's link to heart problems. This occurred after the doctor gave speeches at 2 scientific meetings where he warned of the cardiovascular risks to those using Avandia, a drug designed to control glucose levels in diabetics.

To make matters worse, the company in question denied trying to intimidate the doctor in the press. That claim is seriously challenged by e-mails presented in the staff report.

It appears that the company labeled the doctor as a ''renegade'' and all but silenced him by complaining to his department chairman and threatening a lawsuit.

In an e-mail contained in the report the doctor in question describes signing a legal document in which he agreed not to discuss the issue in public. He goes on to say that he felt intimidated by the actions of the pharmaceutical company.

Is this the tip of the iceberg or just an isolated case? Nobody really knows. But just 3 years ago the Senate Finance Committee uncovered a similar situation connected to the drug Vioxx. A clinical professor at Stanford University said Merck scientists had tried to intimidate him after he raised questions in public about the effects of Vioxx.

It was later discovered that Vioxx increased the risk of heart attacks and the drug was withdrawn from the market. Just last week Merck agreed to pay $4.8 billion to settle Vioxx lawsuits.

As in the Vioxx case, the concerns raised by the doctor in the Avandia case were followed by complaints by other researchers. And yesterday the FDA added an additional ''black box'' warning to the Avandia label.

With the Finance Committee's continued spotlight on this behavior, I hope we can deter similar abuses in the pharmaceutical community.

Again, it is critical that our prescription drugs be developed based on rigorous experimentation, facts and

science, not on intimidation and threats of lawsuits.

I, again, recommend the report to my Senate colleagues, and I very much thank my colleague from Iowa, Senator GRASSLEY, for his efforts here and, again, for his efforts on the work of this investigation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to follow Senator BAUCUS on exactly the same subject. I thank him for the period of time now, this year, he has been chairman of the committee, succeeding my chairmanship, because he has been very cooperative in my efforts to finish investigations that carried over with the change of Congress from Republican to Democratic, and also for helping us initiate new, needed investigations.

But I also wish to take some time to comment exactly on what he had made reference to in the very report he has now submitted for the RECORD. Since he has submitted a copy, I will not ask permission to do that.

It was about 3 years ago—in fact, the exact date was November 18, 2004—I convened a hearing on the worldwide withdrawal of Vioxx, a blockbuster pain medication.

That hearing turned a spotlight on systemic problems at the Food and Drug Administration. We found that the Food and Drug Administration maintained a very cozy relationship with the drug industry and suppressed scientific dissent regarding agency actions on drug safety.

At that Vioxx hearing, we also heard about Merck using its power, its influence, and access to try and discredit an FDA safety expert, Dr. David Graham—a person who is still on the staff at the FDA trying to do the job of being a policeman for safety for the consumers of American pharmaceutical products.

Merck also tried to intimidate a Stanford researcher, Dr. Gurkirpal Singh. The company warned him to stop asking for more safety data on Vioxx, despite the fact he was one of their paid consultants.

What is troubling is that 3 years later, I am here with my colleague, Senator BAUCUS, to talk about yet another case where pharmaceutical executives use power, use their influence, and use access to intimidate a medical researcher.

In essence, another company wanted to put an end to another scientist who was voicing concerns about the cardiovascular risks associated with a drug.

Now, in this case—similar to Vioxx—we are talking about a diabetes drug, Avandia.

Today, Senator BAUCUS and I are releasing a staff report showing how executives at GlaxoSmithKline intimidated Dr. John Buse, a medical researcher at the University of North Carolina.

Together, our respective staffs reviewed documents provided by the company and by others, and they found bothersome internal e-mails that reveal how these pharmaceutical executives think. In these e-mails, high-level company officials discussed the possibility of threats—I am talking about threats by pharmaceutical executives—against Dr. Buse of North Carolina University. These threats included the possibility of filing a lawsuit.

Company executives called Dr. Buse an ''Avandia Renegade'' and had him sign a retraction letter they wanted to give to financial analysts. These analysts were evaluating the company's products for investors.

So what we have are three cases—starting with Dr. Graham, then Dr. Singh, and now Dr. Buse—where companies intimidated researchers who dared to express concerns about the safety of what they thought were risky drugs. In the case of both Vioxx and Avandia, the drugs actually turned out to carry some very serious risks.

What I am here to say today is that attacks on medical researchers by the pharmaceutical industry must stop. And it has to stop right this minute.

Until this practice ends, I wish to let America's scientists know I am very interested in their concerns. Scientists should feel free to contact my office if a pharmaceutical company threatens their career or attacks their reputation when they raise the alarm about possible dangerous drugs.

They can also anonymously provide information and documents by mail or by fax to the committee. Here is the fax number: 202–228–2131.

That is the warning that I put out, and the invitation that I put out.

I yield the floor.

Mr. President, it does not look like anybody else wants to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

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

EDUCATIONAL BENEFITS FOR VETERANS

Mr. WEBB. Mr. President, my first day in the Senate I introduced legislation that would provide educational benefits for those who have served in our military since 9/11 that would be the equivalent of the educational benefits that those who served in World War II received.

We are very fond in this body and elsewhere in the U.S. Government of talking about those who have served in Iraq and Afghanistan as being the new ''greatest generation.'' Well, it seems to me very logical that if we are going to use that rhetoric, we should be able to provide those who have served in this difficult time with the same educational benefits as those who served during World War II.

I was very privileged, for 4 years, to serve as a committee counsel on the House Veterans' Committee at a different point in my life, and was able to study the benefits that had been provided to our veterans from the American Revolution forward.

I also noticed an interesting phenomenon; and that was, a good part of the veterans' benefits package that was provided to those who served in World War II was done so because of the wisdom of those who had served in World War I—partially because they did not receive these sorts of benefits. The World War I veterans were very adamant that the veterans coming back from World War II be treated differently than they were. One of the end results of that was the GI bill.

Very recently, former Senator Bob Dole testified in front of the Veterans' Affairs Committee, of which I am a member. I asked him about his own experiences, having been wounded in World War II, and how the World War II GI bill assisted him in his transition to the civilian world. This is what he said in part:

> I think [the World War II GI bill was] the single most important piece of legislation when it comes to education, how it changed America more than anything I can think of. [We] ought to take the same care of the veterans today.

I could not agree more strongly. The people who served in World War II—there were 16 million of them—were offered an entirely different concept in terms of fairness in American society when they returned. Eight million of them were able to take advantage of a GI bill that provided for their tuition when they went to college, bought their books, and gave them a monthly stipend.

This education benefit has gone up and down since the enactment of World War II GI bill. When I came back from Vietnam, the benefit was a monthly stipend that was not very helpful to most Vietnam veterans. That has been on my mind for years, as I think about the service of our veterans of Iraq and Afghanistan.

Just as the World War I veterans stepped forward and took care of the World war II veterans, I believe it is the responsibility—not wholly, but strongly—of those of us who served in Vietnam and who experienced a lot of the disadvantages of service, once we got out, to make sure we take care of those who are serving now and who have served in Iraq and Afghanistan. It is for that reason I introduced this bill.

To look back on the educational benefits that were derived from this experience, I asked my staff to take a look at those Members of this body—our colleagues—who served in World War II, just to see where they were able to go to school and to see how the World War II GI bill benefitted them, and then to compare that with what they would have been able to do today if

they were the same individual having served in Iraq and/or Afghanistan and were coming back with today's Montgomery GI bill, which basically is a peacetime GI bill that was put in place well before 9/11 and was designed more as a little bit of a bump to assist in recruitment than a true readjustment benefit for people who had been in war.

Our chairman, Senator AKAKA, was able to go to the University of Hawaii under that program, the World War II GI bill. Today, if one were applying for the Montgomery GI bill, 41.5 percent of his education would have been paid for.

Senator INOUYE, who is a cosponsor of our bill, was able to attend George Washington Law School. Today, that would cost $48,460 a year. The Montgomery GI bill would pay for 12.4 percent of that.

Senator LAUTENBERG, who also is a cosponsor of this bill, was able to go to Columbia on a full boat, graduating in 1949. Today, to go to Columbia, it would cost $46,874 a year. The Montgomery GI bill would pay for 12.8 percent of that.

Senator STEVENS was able to go to UCLA and Harvard Law School. His staff declined to be specific about how much of that was assisted by the GI bill, but if one were to go to Harvard Law School today, it would cost $54,066, which is about 11 percent of what the Montgomery GI bill would take care of.

Senator JOHN WARNER, my senior Senator from Virginia, my esteemed colleague and friend, has told me many times he would not be in the Senate today if it had not been for the educational benefits of the GI bill. He was able to go to Washington and Lee for an undergraduate degree. Today that would cost $42,327 for 1 year, of which the Montgomery GI bill would pick up 14 percent. He was then able to go to UVA Law School, full boat, as a reward for his service. Today that would cost $44,800.

Just to be fair, I am standing here today because Uncle Sam made a bet on me. I was able to go to the Naval Academy. The taxpayers of America paid for that. The taxpayers of America would pay for that today, the same amount. I was also in a different situation than most of my Vietnam war veteran colleagues because after I was wounded and had medical difficulties with a bone infection in my leg, I was medically retired from the Marine Corps and was able to go to law school on a program called Vocational Rehabilitation, which was the exact same program as the people who served in World War II received. I was able to go to Georgetown Law School. Today that would cost $51,530 a year. The Montgomery GI bill would pick up 11.6 percent of it.

So on the one hand, we are saying this is the next great generation. This is the next greatest generation. We never cease to talk about how much we value their service, these people leaving home on extended deployments again and again, giving us everything we ask, and then we are giving them a GI bill that was designed for peacetime.

It is not because we don't spend money on education. We just passed legislation for Federal education grants. I voted for it. I assume the Presiding Officer voted for it. If you add up these grants—and these are grants—this is not rewarding someone for affirmative service. If you add up these grants, it is going to cost $18.2 billion this year. We are having a difficult time getting an exact number on what my GI bill proposal would add up to, but the best estimates we have had informally are about $2 billion.

I would submit that with the cost of this war now heading well north of $1 trillion, and with the President coming over and saying he wants $200 billion on top of that and on top of an appropriations bill, we could spend this money in a way that will allow the people who have served since 9/11 a first-class future. We are saying they are that good; let's let them be that good.

For that reason, I hope all of my colleagues will step forward and join me so we can get this legislation passed this year.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FHA MODERNIZATION ACT OF 2007

Mr. REID. Mr. President, each day that goes by, the depth and severity of our country's subprime mortgage foreclosure crisis emerges. It is very difficult. This week I spoke to former Secretary of the Treasury Rubin. I spoke also to the present Secretary of the Treasury, Mr. Paulson, and they both recognize we have some severe problems with our subprime mortgages. This is very deep. It is very hard.

Hundreds of thousands of mortgages are now delinquent nationwide—hundreds of thousands. That is fully twice as many as last year, and last year was not a good year. The most alarming fact is this could be just the beginning. Experts agree as more mortgage rates continue to expire, not thousands, not tens of thousands, but hundreds of thousands of American families could be at risk.

When these introductory ''teaser'' rates expire, these teaser rates where they tease people into taking these loans, sometimes that they couldn't afford—a lot of times that they couldn't afford—when these higher rates arrive, the mortgages that many families can afford today will become impossible to pay off tomorrow. This will leave many with just two options: lose their homes or try to work something out on refinancing.

That is what this is all about. Some say if a borrower gets into financial trouble, it is their obligation and it is their responsibility to find a way out. That is not true. If you have a piece of property, and it is a home and it is being foreclosed upon, you as the owner of that property are going to lose money. There is no question about it. You usually lose about 35 to 40 percent of the value of the home. So the borrower gets hurt. Also, the entity where the home is, a county or a city, if you have that property under foreclosure, the windows are boarded up, and it just loses value. So the tax base of that community suffers.

So we need to do something about that. We are talking about families losing the roof over their heads. Therefore, we need to do something about it.

The chairman of the Federal Reserve Board, Ben Bernanke, recognized that a sharp increase in foreclosed properties for sale could weaken the already struggling housing market and thus, potentially, the broader economy. He was being very deliberate. The word ''should'' should have been used, not ''could.'' But he was being, as he should be as chairman of the Federal Reserve, very cautious.

In Nevada, this crisis is hitting very hard. In 2006, in August, the number of foreclosure filings had gone up by more than 200 percent. We could see another 21,000 foreclosures, we are told, by the beginning of 2009 in Nevada. That is a lot of foreclosures.

One of the things we need to do is have more money for counseling, which the administration has cut back.

There are three items we need to work on in the near term: providing funding for foreclosure prevention counseling, modernizing the FHA administration, and providing temporary but necessary tools to the government-sponsored enterprises, Fanny and Freddie—that is Fannie Mae and Freddie Mac—so they can keep funding available to make or refinance subprime mortgages. So we need to do this.

The Senate Banking Committee passed a bipartisan FHA Modernization Act of 2007 on September 9, 2007, by a vote of 20 to 1. This has broad support of consumers and the industry alike.

As the name of the bill indicates, this legislation is intended to bring needed changes to the Federal Housing Administration that will make the agency more capable of providing the services that homeowners need in today's all-too-perilous environment.

The FHA program encourages the private sector to make mortgages by offering government-backed insurance for the full balance of the loan.

Traditionally, since its inception in 1934, the FHA has played a major role in providing home purchase financing to minority, first-time, and lower income home buyers.

Beginning in the mid-1990s, and until now, however, as more exotic loans entered the marketplace, FHA saw its

overall market share drop dramatically.

In some cases borrowers considered the more exotic loans easier to get. In many other cases, borrowers were directed into those loans by brokers who often didn't have the borrower's best interests at heart.

Unfortunately, these exotic loans often lured borrowers with false or misleading information and contained ''teaser'' interest rates that, once expired, borrowers couldn't afford.

These were predatory loans—and the consequences of these shady practices are becoming more evident every day.

This crucial reform bill modernizes the FHA program by, among other things, lowering mortgage- down-payment requirements and raising the loan limits for FHA-backed loans.

The result will be a better loan option for families that are having trouble keeping up with their exploding mortgage payments. They will have the option of refinancing to an FHA-backed loan with the peace of mind that comes with it.

And for future homebuyers, a fully backed FHA loan with honest, up-front terms, will help prevent crises like we now face, and ensure that more American families will experience all the safety, comfort and stability that comes with homeownership.

Third, the PROMISE Act would temporarily lift the cap on the amount of loans Fannie Mae and Freddie Mac can purchase as investments for a period of 6 months.

The bill could bring as much as $145 billion dollars into the subprime mortgage marketplace and prescribes that the vast majority—at least 85 percent of these resources—be used to refinance subprime loans.

The past decade has seen remarkable growth in American homeownership. What's more, these gains have been enjoyed from coast to coast and among groups that have traditionally been shut out.

We need to ensure that this progress continues.

Mr. President, I have a unanimous consent request here that I have been told the Republicans will object to. I will make the request and then withdraw it. As I said, I have been told they will object.

UNANIMOUS CONSENT REQUEST—S. 2338

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 481, S. 2338, the FHA Modernization Act of 2007; that the Dodd-Shelby amendment at the desk be considered and agreed to; the bill, as amended, be read the third time, passed, and the motion to reconsider laid upon the table; and that any statements relating thereto be printed in the RECORD.

Mr. President, I now will withdraw that request.

What a shame that there is an objection to a bill that passed the House overwhelmingly, came out of committee over here on a vote of 20 to 1, and now there is an objection to it. That is really too bad. We will renew this request before we leave here for Thanksgiving. This will be much-needed relief. Even though the President hates the Government, this Government that was created many years ago has been a lifesaver for home building in our country, and we need to modernize it; it is long overdue. I hope the Republicans will withdraw their objection to this bipartisan, much-needed legislation.

The PRESIDING OFFICER (Mr. SALAZAR). The unanimous consent request is withdrawn.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. COBURN. Mr. President, I heard the majority leader's speech. I wanted to put him on notice that I will object to the bringing forward of this bill. It was introduced September 19 and reported out of the Banking Committee on November 13, 2 days ago. We received notice, via hotline, that they were attempting to clear the bill by unanimous consent yesterday afternoon.

This bill addresses a very delicate and complicated area of housing policy on which we cannot afford to make mistakes. I know many Senators, including myself, are strong advocates of how we can help those who find themselves in trouble now. I know the authors of the bill would like to pass it expeditiously. However, it is a big bill. It is an important bill. Under the unanimous consent request, that would mean we would not debate it and offer amendments. For those two reasons, I object, as a Senator from Oklahoma, and I know several other Senators would as well.

The problem with hotlining bills is they don't get due deliberation. Here is a stack of bills that were offered by unanimous consent in the Senate before the August break. Most of the Senators had never read the bills, didn't know what was in the bills. Thankfully, many of them were objected to by Members of the Senate. It is not a good way to legislate.

This is an important issue. We seem to have a tendency that we are afraid to do the real work we need to do because we will be criticized as the one stopping the bill. I am not afraid to stop a bill. I believe we need to get things right. It is not about not wanting to help those in need today, but there are several significant things in this bill.

First of all, the bill changes it so that if you have a $417,000 home, you can get a mortgage; if you are in trouble, we are going to take care of that. That is twice the median price of a home in this country. It lowers the downpayment to 1.5 percent. It exposes American taxpayers to $1.6 billion over the next 5 years. We can solve this problem. We cannot solve this problem by blowing a bill through here without good debate, rigorous discussion of the issues, and alternative options, via amendments, which will address, No. 1, how we got where we are in terms of the subprime mortgage mess; No. 2, how we restore confidence in that market; No. 3, how do we work to secure better oversight on the mortgage industry that put people in the position of owning property they could not afford; and the predatory lending practices Senator REID talked about. We can address those. Doing it under a hotline, under unanimous consent, where we don't have an option to study the bill and think about what other options there can be or how many hearings were held on the bill and what is the response, is not the way to legislate.

I believe the President has not said he would not support this bill. I may be wrong, but I seem to recall that from the past.

I also would like to put in the RECORD an article from the Roll Call of September 17 entitled ''Hotlined' Bills Spark Concern.'' I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, Sept. 17, 2007]

''HOTLINED'' BILLS SPARK CONCERN

(By John Stanton)

Senate conservatives are upset that the leaders of both parties in the chamber have in recent years increasingly used a practice known as ''hotlining'' bills—previously used to quickly move noncontroversial bills or simple procedural motions—to pass complex and often costly legislation, in some cases with little or no public debate.

The increase was particularly noticeable just before the August recess, when leaders hotlined more than 150 bills, totaling millions of dollars in new spending, in a period of less than a week.

The practice has led to complaints from Members and watchdog groups alike that lawmakers are essentially signing off on legislation neither they nor their staff have ever read, often resulting in millions of dollars in new spending.

In order for a bill to be hotlined, the Senate Majority Leader and Minority Leader must agree to pass it by unanimous consent, without a roll-call vote. The two leaders then inform Members of this agreement using special hotlines installed in each office and give Members a specified amount of time to object—in some cases as little as 15 minutes. If no objection is registered, the bill is passed.

According to a review by Roll Call of Senate records, from July 31 to Aug. 3, of the 153 hotlines put out by leadership, 75 of those

were legislative measures, 61 were nominations, and 17 were post-office-naming bills. While a number of the legislative hotlines were routine procedural motions—such as reporting a House-passed bill to a particular committee for consideration—others were for bills authorizing hundreds of millions of dollars in new spending.

According to GOP aides, that run of hotlined bills concerned the chairman of the conservative Republican Steering Committee, Sen. Jim DeMint (S.C.), enough that he made the issue of hotlining the topic of discussion during last week's regular RSC luncheon. Although these aides said DeMint and other conservative lawmakers have yet to broach the topic with their leaders, it likely will become an issue if the trend continues. ''It's inevitable that it will come up,'' one aide said.

According to the Library of Congress' legislative database THOMAS, of the 399 bills or resolutions passed by the Senate this year—which range from recess adjournment resolutions to the Iraq War supplemental bill—only 29 have been approved by a roll-call vote. The rest have been moved via unanimous consent agreements, the vast majority of which were brokered using the hotline process.

Critics also point out that hotlining is often done during ''wrap-up'' at the end of the day—which can occur well after Members' offices have closed for business—and is particularly popular in the runup to recesses.

In a March 2006 floor speech, Sen. Jeff Sessions (R-Ala.) harshly criticized the practice. ''The calls are from the Republican and the Democratic leaders to each of their Members, asking consent to pass this or that bill—not consider the bill or have debate on the bill but to pass it,'' Sessions said.

''If the staff do not call back . . . the bill passes. Boom. It can be 500 pages. In many offices, when staffers do not know anything about the bill, they usually ignore the hotline and let the bill pass without even informing their Senators. If the staff miss the hotline, or do not know about it or were not around, the Senator is deemed to have consented to the passage of some bill which might be quite an important piece of information.''

During that brief pre-recess period this summer, the chamber passed S. 496, a bill sponsored by Sen. George Voinovich (R–Ohio) making changes to the Appalachian Regional Development Act of 1965. According to the Congressional Budget Office, those changes will cost $294 million over five years.

In many cases, bills are placed before the Senate for only a few days or even hours before they are hotlined. For instance, the Senate received H.R. 727—a bill sponsored by Rep. Gene Green (D–Texas) amending the Public Health Services Act—from the House on March 28, according to THOMAS. Senate Majority Leader Harry Reid (D–Nev.) and Senate Minority Leader Mitch McConnell (R–Ky.) hotlined the bill the following day. According to CBO, the bill is expected to cost $40 million between 2008 and 2012.

Sen. Tom Coburn (R–Okla.) said hotlining bills is not necessarily a bad thing but that Members have increasingly seen the process as a right. ''People think they can hotline [a bill] and you have to agree,'' Coburn said, adding that ''a lot of Members are offended'' if anyone raises an objection or wants to offer changes to a bill.

Coburn also said that because of limited floor time, ''we don't have time to debate everything . . . but if you object, they ought to be willing to negotiate with you. But usually, they put the press after you.

''They accuse you of being against veterans, of being against breast cancer patients . . . I've been accused of so many things,'' Coburn lamented. But he insisted that when sponsors of bills he has objected to take his concerns seriously, they often are able to work out an agreement.

For instance, he points out that earlier this year, when Sen. John Kerry (D-Mass.) brought a small-business bill to leaders to be hotlined, Coburn initially objected because of problems with the bill. He and Kerry entered into negotiations to resolve their differences, and the Senate ultimately passed the package by unanimous consent. ''We gave a couple of things, he gave a couple of things and we passed the bill,'' Coburn explained.

Bill Allison, a senior fellow at the government watchdog group Sunlight Foundation, said the process of hotlining has added to the lack of transparency and accountability in Congress. ''Hotlining bills diminishes the accountability of Congress. Senators are forced into an 'all-or-nothing' posture—place a secret hold on legislation and negotiate in the back room, or keep their objections to themselves. The Senate is supposed to be a deliberative body, and those deliberations should occur in the light of day and be part of the public record,'' Allison said.

Mr. COBURN. The increasing practice of this body of passing bills by unanimous consent rather than debate and knowledge about what we are agreeing to does the Senate a disservice. All you have to do is watch C–SPAN and see how much time is spent in quorum calls in this body. I, for one, would never object to unanimous consent for us running several bills at the same time so we can continue to discuss them. We should not be passing bills without good thought, good debate, and an amendment strategy that will improve the bill and protect the future taxpayers of this country. That has to be a requirement as we address it.

I thank Senator REID for his attention to what is truly a real problem. But the process is really what matters on this issue. We need to get it right. There is too much risk. Therefore, if we decide to bring this request back up, I will come back down and object.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak 10 minutes as in morning business.

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

Mrs. HUTCHISON. Mr. President, I rise today to talk about the bridge fund bill that passed the House of Representatives last night. I don't know why it has to be so hard to pass an emergency supplemental to assure that our troops in the field get the money they need to support them in the job we are asking them to do.

The President has asked for almost $200 billion to get us through some point in January or possibly into the spring. But the bill that has come over is roughly in the $50 billion range and it has all kinds of constraints and strings and mandates from the Congress.

Our military strategies should not be determined by events 6,000 miles from the theater where our young men and women have boots on the ground. This bridge fund bill is the latest attempt in a year-long effort to constrain the ability of our generals and our brave men and women in uniform to fight this war effectively.

During the past year, the Senate has been forced to vote 40 times on bills limiting the generals' war strategy. None of those bills passed but one, and it was vetoed.

Since this assembly line of bills started last February, the situation in Iraq has changed so much. General Petraeus has implemented a strategic readjustment that has produced encouraging progress. Last week, U.S. commanders and the Iraqi Government proclaimed that al-Qaida had been routed in every neighborhood in Baghdad, citing an 80-percent drop in the murder rate since its peak.

The British Broadcasting Corporation reports:

> All across Baghdad . . . streets are springing back to life. Shops and restaurants which closed down are back in business. People walk in crowded streets in the evening, where just a few months ago they would have been huddled behind locked doors in their homes.

This is from the BBC.

Some 67,000 Iraqis have joined U.S.-organized citizens watch groups. Roadside bomb attacks have receded to a 3-year low, while finds of weapons caches have doubled in the last year. The progress has been so impressive that General Petraeus has recommended a drawdown of troops because conditions on the ground merit such action.

In the last 10 months, so much has changed in Iraq, and yet on the floor of the Senate, nothing has changed at all. We are still voting on bills for premature withdrawal, not taking into consideration what is happening on the ground, even when victory is in sight.

This is a new day in Iraq, and the Senate should recognize that fact by providing a vote of confidence in our generals instead of threatening to pull the rug out from under them.

If there are Senators who believe the war is lost, they should vote to defund the war instead of threatening to tie the hands of our commanders which would needlessly endanger our troops.

We know from our troops in the field that we must keep our commitment. This war has been costly for America in lives and dollars. The consequences of failure, after all we have spent in our treasure and our young men and women, would be catastrophic. If we abandon Iraq prematurely, it will become a sanctuary for terrorists, and they will launch attacks on the American people.

There is also a real danger that Iraq could become a satellite of Iran. The Iranian Government has a long record of sponsoring terrorism and arming the insurgents who are killing our brave soldiers in Iraq.

For all these reasons, we cannot abandon Iraq. We can leave when the generals say it is safe to leave because Iraq will be stable, that it will not be a terrorist training ground, and that is the only way we can leave Iraq, if we are to uphold the integrity of the United States of America.

We must persevere and succeed in this war, just as generations before us have done when we fought and defeated fascism, communism, and nazism. Our soldiers, sailors, airmen, marines, and Coast Guard have sacrificed greatly to keep us safe and free, and we must support them in this mission. The mission of a stable Iraq rather than a breeding ground for terrorists must be accomplished.

The bill is coming to the Senate from the House which passed it after a long, arduous debate last night. I urge my colleagues not to do something that would so damage the integrity of the United States of America and hurt our troops on the ground in Iraq and Afghanistan by putting them in danger by underfunding them, by not giving them the vote of confidence they deserve. It would be unthinkable.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

THE FARM BILL

Mrs. LINCOLN. Mr. President, I come to the floor today to discuss one of the issues we have been talking about an awful lot recently, and that is the farm bill; more specifically, the unique nature of agricultural production in the United States.

We are all going to leave next week and go home, hopefully, to celebrate Thanksgiving with our families, to talk about this wonderful blessing we have in this great country of ours—the enormous bounty that exists, the blessings of living in a free country, living in a place where we do not have to worry about going to the grocery store and finding the shelves empty or we do not have to worry about those things that are produced here not being safe or acceptable. That is because we have not only very conscientious producers and farmers, but we have a system and respect in our Government that recognizes how important it is to the American people to maintain that bounty.

As we all go home to celebrate Thanksgiving and give thanks for this wonderful country in which we live and the bounty that it provides us, I think it is so important to talk about the big tent that exists in this country, the big tent that encompasses all of the diversity of agricultural production in different regions across our Nation. It is an important aspect that we should embrace, and I hope my colleagues will think about that as well.

As we discuss the farm bill and agricultural production, my colleague, the Presiding Officer, is representing a wonderful agricultural State, beautiful and vast, and it is very different from mine in terms of its assets and what it contributes to this great land. My State is different than Colorado. It is vast and different, just within the boundaries of my State, but certainly in terms of what it brings to the table in our Nation in terms of the bounty that it provides.

Perhaps one of the most frequent questions from so many, particularly of my urban colleagues—because I do share a seat with so many other farm Senators on the Agriculture Committee, but a lot of times the question from my urban colleagues is, why are farms in Arkansas different from, say, farms in North Dakota or Michigan or Indiana or Colorado or other regions of our Nation?

Although the answer is pretty simple, it does require quite a lot of time to talk about. It looks as if we have a good bit of time today, so I thought I would seek this opportunity and, for the benefit of those inquisitive Senators who sometimes ask why are things different in different parts of our country and in all of our different States, offer an explanation that I give, certainly, to my colleagues and to others who are interested and concerned about us as a nation maintaining the safe and abundant and affordable supply of food and fiber that exists in this country for which we are all so thankful.

First, and this should come as no surprise, each of our States produces the agricultural products for which its climate and its soil are best suited. That is one of the things we do in Arkansas. It, obviously, has been that way for years. Farms in Arkansas might be older than those in some of the States that exist to our west. As our country was explored and discovered, many of those lands in the West were discovered, and their climates and their soil types were different. As we have grown as a nation, they have adapted themselves to the crops for which they are best suited. For the colder climates of the Midwest, it makes sense to produce corn and wheat and sugar beets. For us in the South, with our more humid climates, and given, certainly, our soil types—we have a large clay content and often sandy soil along our river bottom—we are suited for cotton and rice production. So that is the first explanation I try to give people, to talk about those differences so we better understand what the differences are.

Second, you have to take into consideration what the markets are for our commodities. Again, we are a vast country, full of so many blessings and diversity. As we have grown, international markets have grown and changed as well.

Let's start with corn. By now I think everyone in this body is familiar with the fact that we mandate a corn ethanol market through the renewable fuels standard. It is important that we move toward a renewable fuel. It has multiple purposes. Renewable fuels will help us clean up the environment and will certainly lessen our dependence on foreign oil. It also gives secondary markets for our growers. But so far we have only gotten pretty far on corn-based ethanol.

We have mandated this market for corn, and it has done quite well. We make sure those corn growers' prices stay up because there is a market. There are tax incentives that are built in to ensure those markets are going to be there for corn.

In addition to the creation of the market, we place a prohibitive tariff at the borders of our country to ensure that only American farmers have access to that corn market. That is for good reason. That marketplace has really matured in terms of ethanol production and the direction we are going to the point we are now realizing that renewable fuels are going to need to come from other sources as well; that we cannot just depend on that corn-based ethanol program but that we have to start looking toward cellulosic and biodiesel and biomass and a whole host of other renewable energy sources. But the fact is, we still protect that corn market to a tremendous degree.

For sugar, we have a unique program that doesn't make payments to farmers, but, like ethanol, it limits the international competition, and it supports the processing of these commodities.

Sometimes sugar is supported in the processing facilities, and therefore those protected markets and that payment coming down to those farmers is a little bit trickier to understand than the regular commodity program.

Rather than offering a whole lot of detail on a program that does not directly impact my State, I would rather direct folks to the individuals who represent the States here that are affected by those crops. I think it is most important to let those who understand crops in their States give their descriptions because they have a better intuitive idea of how those programs work and how their growers benefit and how the economy benefits from it and certainly how the American people benefit. There are a lot of Members who can tell you about that.

As the President knows, we on the Ag Committee—everyone has their specialty and certainly their best understanding when it comes to corn and sugar. I kind of focus on the folks who know those the best to be able to provide you the details. But, in short, sugar has an entirely separate program

subject to different disciplines but with a market that is very domestic and exclusively limited to American sugar farmers. So you have two of these products now, or commodities, that have very different disciplines in terms of what protects them or what provides them that very defined as well as insured marketplace through both the constricting of the marketplace without allowing imports to come in and also the incentives they have in the way those safety nets are provided to them through their processing.

Now, here is a market that I do know about and that I can talk about, and that is what comes from my region of the Nation, which is cotton and rice.

First and most importantly, I need to point out that these two commodities are subject to very intense global competition. Rather than simply state that as a fact, I will offer a couple of explanations.

Rice is a stable commodity globally, all over the world. As such, it is produced in many regions, including the developing world, those nations which are not as developed as we are or as old and efficient as we are. The same is true for cotton.

What is also true is that our market is open to direct competition from international producers while our access into their foreign marketplace is extremely limited. Now, that means our border is open to their rice and cotton being shipped into our country. So our growers not only have to compete to get into our marketplaces, but they have to compete here with products that are allowed to come in from other countries—the rice and cotton, specifically.

I think the best example or one of the best examples is Japan. Japan's rice tariff comes in at over 400 percent. That is more than enough to keep American rice out of their marketplace, I have to tell you, a 400-percent tariff on rice going into Japan. Yet our markets are open. Our markets are open to commodities coming into this country.

Another good example that can be used is the treatment of rice in the recently negotiated Korean Free Trade Agreement. For every product produced in the United States of America, we reduce the Korean tariff, limiting our access into theirs immediately or phased in over 20 years, every one with the exception of one commodity—it is rice, one commodity that is not allowed to be exported into the Korean marketplace.

So it just goes to show you the fact that our commodities, although they are different and grown differently and a whole host of different things, also are treated differently in the global community and in the global economic venue. At this point, you should start to be seeing a pattern here in terms of the differences not only in how we grow our commodities but also how our commodities are dealt with in the marketplace. Our market is open to competition, while our export markets remain closed to our growers of our commodities.

Now, do not get me wrong, I am not here advocating that we need unabashed free trade for agriculture because I know that to expose the Third World to our productivity would decimate vulnerable parts of their economies that support the poorest of the world's poor. So that is not what we are talking about. This dynamic is more than a reality for U.S. farmers; it is a part of America's obligation within the World Trade Organization.

Now, I will summarize that point just briefly. In the WTO, the United States and other developed nations must report their subsidy level, and they must restrict their tariff level. The conversion is true for the developing nations that are members of the WTO. They are not subject to even reporting their subsidy, and they have little to no obligation with respect to opening their markets.

Now, again, I am not saying this is a total and complete outrage; I am merely trying to paint a more comprehensive picture of what American agriculture is up against in the global economy. Without a doubt, as we have heard in multiple different meetings across the Hill that many of us go to, whether it is our lunch groups or our hearings in committee and others, we hear all of the talk about global trade and about the global economy and developing countries and where they are going, placing priorities in education and infrastructure investment and a host of other things, and we see our trade deficit growing. Yet agriculture has always been one of those areas where not only we as Americans feel it is important to maintain that domestic production of a safe and affordable and available food supply, but we also know it is a big issue to other countries that they can maintain some domestic production and hopefully as much as they possibly can grab hold of in terms of that domestic production.

With that said, it simply cannot be ignored that these disparities in international competition contribute to the world in which the U.S. cotton and rice producers must compete and therefore influence how they must structure their operations. So, again, for us, in meeting different demands, in looking at the global marketplace and trying to figure out how we structure ourselves as growers, it is not just about the soil type or the weather and the climate; it is also about the international marketplace, which leads me to the explanation of the last question which is posed to me; that is, Why are Arkansas farms so big?

It should not be difficult for Members of this Chamber to understand that when you face intense competition and your foreign markets are closed, you have to create efficiencies. You have to create efficiencies elsewhere in your business operation in order to be able to compete because you do not set the world market price. You have to be able to compete on that international global stage by your own efficiencies.

It is the good fortune of everyone in America that our farmers are the most efficient farmers in the world. Certainly, we are the beneficiary of that in this great country, but people all across the globe understand that, that not only are we the most efficient and can do it the most affordably, but we produce the safest and set a standard in many instances across the globe of what is going to be produced in future generations in terms of sustenance of life. We have improved our efficiencies in ways that cannot be described here in a short period of time, but suffice it to say that the American farmer is the most efficient on Earth, and are we not all glad? That is something for us to be proud of in this body and across this land. If you are not or if you take our bounty for granted in this great Nation, you should be ashamed of yourself. That is the reason this bill is so important, is that we have been handed this blessing. We have worked hard on this Earth in this great land of ours. But we certainly have reason to be proud.

Despite our efficiency in cotton and rice country, we are still operating on very thin margins of profit. In some years, we merely hope for profit that really never comes.

What we have done to help level that playing field is to expand our operation to further reduce our per-unit cost and, in turn, create a competitive economy of scale. Now, that means we have to spread our risk out over a greater abundance of production because that is one of the only ways we have to get the efficiency to be able to be competitive in a very restrictive market, and that is to have a large economy of scale and mitigate our risk over a greater area.

Now, unfortunately, many newspapers and some of my colleagues attribute USDA statistics for commercial-size operations to many of our Arkansas and southern farms and assume we are no longer family farms simply because of our size. What a terrible misrepresentation. I think it really diminishes what we are about in this body, which is to embrace our diversity and embrace the good work all of these hard-working farm families do across this Nation. And without a doubt, it is simply untrue. I do not know of too many nonfamily farms in my State. There are a lot of people who are going to tell you that because they belong to a cooperative or because they maybe farm more acreage, they are not a family farm. In fact, I do not even know of one.

What I do know a lot about is fathers and sons, wives, daughters, brothers and sisters who work the land with one another. They have to come together. They have to build their operation, come together, and stay together if they are going to survive. Even when that generation upon generation finds

that one of those brothers or sisters happens to move to the city to become a doctor or maybe an electrician or maybe a fireman or maybe a lawyer, they still help share the risk of what that farm has to do, which is to create that economy of scale in order to be competitive.

So hopefully we can still consider those people a family farm, because, guess what, they are still a family, and they are still farming and they are all carrying the risk of what it takes to be competitive in that global marketplace. Now, their operations may exceed several thousand acres, and they most certainly are still family farms.

In fact, I cannot imagine a definition of a family farm that does not include the overwhelming majority of Arkansas farmers, but apparently such a definition exists. USDA seems to come up with these definitions, and they print them out up here in Washington, inside this bubble, and they fail to realize that there is a lot of diversity in this great country. There are a lot of family farms that exist. It is not just family farms in the Midwest, it is not just family farms on the east coast, but it is family farms in other regions of the country too—yes, in our region of the country too.

Now, I will go ahead and put my colleagues on notice that until those misrepresentations cease—and I have to tell you, they have been long and hard for many years in terms of the misrepresentations of what a farm is and who constitutes that farm. You know, I am a daughter of a farmer, but I cannot imagine the way I get labeled as having been this huge farmer when I am not even farming. Yet that misrepresentation continues to come out there just because it is convenient and it is sensational and people can use it.

Well, I have to say that it does not matter to me what happens to me, but it does matter what happens to those hard-working farm families who are working so hard to make sure we enjoy that safe and abundant and affordable food supply regardless of what happens in the international community. My colleagues know they are going to hear a lot more from me on farm policy that supports farmers throughout this great country as the debate goes on.

It is my opportunity to describe and talk about the individuality of each of these areas. I will hone in on my part of the country because I leave how other commodities are farmed up to those who farm them. But I can definitely tell you, having walked rice levees and scouted cotton and chopped down coffee bean plants in a soybean field, how our farms run and why they run that way, I understand the markets. I understand the global trade implications that exist. I understand that all of the programs we design oftentimes in the farm bill don't fit us.

For example, take disaster assistance. I was glad to work with my colleagues in the Midwest who wanted to see a disaster assistance program, even though it doesn't benefit my farmers that much. When you have a farm in the South and you are farming rice, you have to control your environment. Have you ever seen a rice field that has no water on it? Unless it is being harvested, you haven't. The reason is, you have to control that environment. When it comes to disaster assistance, those counties get the same national disaster declaration on a drought. But guess what. They are never going to get that disaster assistance because they hardly ever hit the 35-percent yield loss that comes with another stipulation in disaster assistance, because they have controlled their environment.

I will tell you what: They have spent twice the effort and resources and money in plowing into that crop what they needed to combat that drought and that disaster that was occurring. So they need another tool. They need another tool within the confines of our farm legislation that allows them to market their crop, to market their crop in this competitive global marketplace so the Government doesn't have to do it for them.

As I plow through this—and I know I will have many other opportunities to do so—I hope I have answered some questions or at least demonstrated some of the differences in our ag land down in the southern half of the Nation. We are all a little different. I have to tell you, for that we should be extremely grateful and proud, and we should embrace that diversity. As a nation, that is what makes us strong, our diversity and our willingness to embrace it and our willingness to respect it. That is what makes us Americans. Despite these differences, it has always been my view that regardless of the type of crop or the region of the country you live, if you contribute to the production of safe agricultural commodities, I consider you a farmer. I consider you an American farmer. I don't judge that and I don't judge you as an American farmer based on whether you are in one region or another or how big your family is or how big your farming operation is. I judge you by the fact that you are willing to go to work and work hard every day to do the best you can, to be as efficient as you possibly can, not only in this country but in the global marketplace, with tremendous respect to the environment, the conservation of land, and the ability to produce a safe and productive food supply. That is who farmers are.

If we let other people define who a farmer is and a farm family is, then we will be sorely disappointed when we start to outsource our food to other countries. I think we have become sorely disappointed to find ourselves dependent on foreign oil, to have outsourced our need for energy in the oil arena to other parts of the world. We will find ourselves once again in the next several years with a trade deficit in agriculture, outsourcing our food supply. I don't think Americans want to go there; I really don't. I think they are willing to listen for the diversity and expertise and the hard work that goes on by America's farmers to continue to produce that safe and abundant, affordable food supply. As a farmer, regardless of the region of the country, we have to help our farmers keep meeting that competition.

I have the reputation of being that kind of person, of reaching out and working with people, understanding differences, accepting differences and accepting other people's ideas. I hope we all have that attitude. But mostly, I try to be respectful of people. Unfortunately, my farmers and I have not been given that same respect by everybody. I am going to continue to work hard to prove my point because I am going to earn that respect. I am going to earn that respect not only in what we have done in this underlying bill, in creating the greatest, most substantial reform in decades. We started over here in current law and most of the extremes that people want are way over here. Guess where we have moved. In terms of providing the reforms that the media and others all clamor about, we have come from here all the way over here. That last little bit people want to ask of us will outsource the food supply that southern growers have so proudly provided this country for many years.

I am proud to be here to defend and support and be proud of Arkansas farm families. They have worked hard. They will continue to work hard. I have fought this fight for several years, and I will continue to defend the programs and my farmers who use them within the limits of the law. Creating greater reform is important. Our farmers want to make sure they are in compliance with the law and that they are working hard within the parameters to do their very best. But they also want to be able to be competitive, because they want to continue to provide that safe and abundant supply of food and fiber. And they can—most efficiently, most effectively, most safely, as well as with the greatest respect to the environment. I hope people will not continue the sensationalized stories and misrepresented facts in order to get something done that does nothing but move forward in outsourcing our food and fiber supply.

I hope I have brought some clarity here today. I will continue to try to do that. I look forward to working with my colleagues. We have a long road ahead of us to get something done. But I think everybody will agree it is worth it. It is well worth it, as we return home to be with our families, to give thanks for this wonderful Nation we live in and the bounty it provides. I hope we will come back and sit down and get to work supporting America's farm families and the hard work they do, recognizing all of the tremendous challenges they face, mostly challenges they have no control over. Whether it is the trade agreements they operate

under, whether it is the environment and the weather they deal with that they have no control over, it is certainly within the confines of the requirements and the regulations we present them to empower them to do a better job or certainly the best possible job in taking good care of the land and being good stewards of this great land we have.

I thank the Chair. I look forward to working with my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand the Senator from Idaho intends to speak. I ask unanimous consent that I be recognized to speak after he is concluded.

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

The Senator from Idaho.

Mr. CRAPO. Before she leaves the floor, I commend my colleague Senator LINCOLN. I agree with her strong defense and support of America's farmers, particularly our family farms and the need for a farm bill. She and I may come from different parties, but we have shown that you can work together. I consider her to be one of my very good friends and allies as we work toward good policy. I appreciate the opportunity to sit here and hear her remarks. It is great to see someone stand up and respond to the attacks we see coming against American agriculture. It seems every time we have a farm bill, the attacks begin again. Yet it is in America where the American consumers spend the lowest percentage of their disposable income on food and fiber because we have such strong farm policies.

I also agree with her comments about the need for us to remember we are in global markets. Those who produce food and fiber in other nations have tremendous subsidies from their governments where their governments enable them to compete unfairly against our producers. In fact, not only do their governments provide unfair, extensive subsidies to their producers, they also erect significant anticompetitive trade barriers, both tariff and nontariff trade barriers, so that the products they send to us are subsidized and the products we try to send to them are stopped at the border because of these barriers. It is because of these kinds of international market circumstances and the global competition we face these days that it is important for us to recognize the role of the farm bill in helping American producers level that playing field.

Again, I appreciate so much the opportunities I have had to work with Senator LINCOLN on this and many other issues. We have worked together to strengthen and improve American policy.

I came to talk about the farm bill, and I will do that. But before doing so, I want to talk a little bit about the process, because I am very disturbed by the position the Senate is in right now. We could have been debating amendments to the farm bill for a week or two now. Instead we have been stalled by a procedure that has filled the amendment tree, for those who don't follow the rules of the Senate. The amendment tree has been filled up so no one can file amendments to the farm bill. Yet I understand there are over 260 amendments that have been prepared and which are out there waiting in the wings from different Members of the Senate. We are not going to see all 260 of those amendments debated and voted on. That never happens. But we should see a significant number of them debated and voted on.

Those of us who serve on the Agriculture Committee or the Finance Committee have seen both pieces of this farm bill be very vigorously debated at the committee level with all sorts of amendments and work developing the right kinds of process. Now it is time for that same process to occur here on the floor. Yet we have not seen one amendment allowed to be brought forward. The farm bill affects so many people's lives through providing food and fiber and security and enabling global competitiveness and ensuring a better environment. I could go on. But we must allow all Senators the opportunity to bring forth amendments they believe need to be debated before we have the final vote on the farm bill.

We have all heard by now the debate here in the Chamber and in other places about numbers, highlighting the multiple rollcall votes we have had on previous farm bill debates. Let me review a few of those. According to the information I have, during the 2002 farm bill debate, which is the most recent farm bill we have had, there were 49 amendment votes, including 25 rollcall votes. In 1996, on the farm bill preceding the current one, there were 26 amendment votes, including 11 rollcall votes. And during the farm bill debate previous to that in 1990, there were 113 votes, including 22 rollcalls. In 1985, there were 88 votes, 33 of which were rollcalls. Yet now during this debate or nondebate, we have had zero votes on any amendments because the amendment tree has been blocked.

I am discouraged by that because we could have made significant progress on this farm bill. Now what we see is a maneuver which is proposing that cloture be entered which would cut off debate on the farm bill and push it forward without giving us the opportunity for a full and robust debate on amendments.

I encourage our leadership on both sides to get past this impasse. I know there has been a lot of progress made in terms of an effort to limit the number of amendments and try to get a determination of how many amendments will be allocated to each side and allow us to move forward. But for whatever reason, we haven't been able to get that agreement resolved. The farm bill is too important for these kinds of partisan politics and maneuvers. I know there are concerns about certain amendments that may be brought. There are some on either side, depending on the amendment, who would prefer not to see the amendment brought because it could cause an embarrassing vote on behalf of some Members. I will face that same dynamic as amendments are brought forward. There will be amendments that will be difficult to face. But it is something we must do. It is the tradition of the Senate that we fully deliberate on matters such as this and that debate is not closed down.

I say again to our majority leader and our minority leader, we need to work together, avoid cloture votes, and avoid restrictions that prohibit Members from bringing their debate forward in this Chamber and allow us to have a full and robust debate so we can move the farm bill forward.

I remain committed to working together to move this farm bill forward in the Senate through a full, fair, and open process, and I hope we can get to one soon.

Now, let me turn to my comments on the farm bill itself. Many people say we should not call it the farm bill—in fact, I think it actually does have a different title now—because the farm bill is much more than just a bill that deals with commodities programs.

In fact, the farm bill, with the new addition of the Finance Committee title, will have 11 titles in it, only one of which is the commodities title. There are other titles dealing with rural development, with energy policy, and, as most people are not aware, with the food programs of our Nation.

In fact, if you look at the allocation of resources in the farm bill, only about 14 percent of the cost of the farm bill is truly allocated to the agricultural commodity programs. Over 60 percent—I think around 66 percent—of the cost of the bill goes to our Nation's food programs, such as our Food Stamp Program and the other programs that we have in international aid.

Then there are the programs dealing with conservation, which I am going to talk about in a minute, which is probably the most significant conservation effort in which this Congress gets engaged in any kind of an ongoing basis. Yet far too few Americans realize the commitment to the preservation and conservation and improvement of our environment that is contained in the farm bill.

There are more than 25,000 farms and ranches in Idaho producing more than 140 commodities statewide. Idaho leads or is ranked among the top States in the production of potatoes, peas, lentils, mint, sugar beets, onions, hops, dairy products, wheat, wool, cherries, and other commodities. Therefore, the farm bill is of vital importance to a more than $4 billion Idaho agricultural industry, which is an essential part of Idaho's economy.

In preparation for this farm bill authorization, like Chairman HARKIN and

Ranking Member CHAMBLISS, the House Agriculture Committee and former Agriculture Secretary Johanns, and others, I sought input from producers and those interested in the farm bill throughout the townhall meetings and hearings I had in Idaho, and I listened to many of my constituents voice their criticisms, bring forward their suggestions, and bring forward their praise of the last farm bill—the current farm bill under which we are operating.

What I heard loudly and clearly was that the basic structure of the 2002 farm bill is solid, and rather than starting from scratch, we should make changes to it and improvements to that basic structure as needed but not lose that structure that has been so helpful to our farmers and to our rural communities in particular throughout America. I have been pleased to work with my colleagues on the Senate Ag Committee and in the Congress in general to craft a bill that I believe sticks with that principle.

The bill before us today does not wipe away existing farm policy but builds on it for a stronger Federal farm policy. As Senator LINCOLN indicated, it makes some very significant and needed reforms to move in the direction of addressing the concerns that many have raised about some inequities in the farm bill processes.

The legislation includes essential provisions, such as the new specialty crops subtitle that strengthens specialty crop block grants and other important programs. I have appreciated working with Senator STABENOW, Senator CRAIG, and others on this effort, and I thank Chairman HARKIN and Ranking Member CHAMBLISS and Senator CONRAD and others who have worked with us in shaping Federal farm policy that bolsters U.S. agriculture through provisions such as these specialty crop programs.

Additionally, I thank Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee for the time they spent in crafting a tax title for the farm bill that enables us to make some additions and tweaks that were needed. It has been an honor to be one of the Senators who serves on both the Finance and Agriculture Committees, the two committees with products that will be merged together on the floor of the Senate to make up this year's farm bill.

There are a number of highlights in the tax title of the farm bill I want to mention. In the tax title of the farm bill, I worked with several Senators to include improvements to the Endangered Species Act through incentives for landowners to assist with species recovery. For years we have struggled with the burden that the Endangered Species Act puts on private property owners. Notably, about 80 percent of the endangered or threatened species in America are found on private property. Yet we have put the burden of protecting and preserving and recovering those species unduly on our private property owners.

This bill I have introduced and worked on with many others in the Senate will provide participants with the option of a tax credit instead of the Conservation Reserve Program, Wetlands Reserve Program, and Grasslands Reserve Program.

This farm bill also provides support for wheat, barley, sugar, wool, and pulse crop producers. Pulse crops would become eligible for Counter-Cyclical Program assistance.

The Noninsured Assistance Program would provide coverage for aquacultural producers who are impacted by drought.

There are significant investments in energy programs that would assist producers with efforts that support energy independence.

Changes to Project SEARCH would allow financially distressed rural communities in Idaho and nationwide to access increased Federal assistance for their water infrastructure needs.

The Fresh Fruit and Vegetable Program would be significantly expanded to enable all States to participate. Expanding this program nationwide will further the effort to provide healthy food choices for our children. This program is a win-win for children, students, and producers.

I have visited Idaho schools and have seen firsthand how the Fresh Fruit and Vegetable Program has been a big support to our students, and I look forward to seeing the additional benefits brought through this program by making it available to more students.

There are many other provisions of importance in this extensive legislation that I could bring up and review, but instead I want to just focus on one vital area of the bill—the conservation title—before concluding my remarks.

I have appreciated having the opportunity to work with my colleagues on the conservation title, which provides landowners with both the financial and technical assistance necessary to achieve real environmental results.

As I said earlier, no Federal policy contributes more to the improvement and protection of our environment than the farm bill, through the incentive-driven conservation programs. The conservation title provides $4.4 billion in new spending for conservation programs. The title continues with the current combination of conservation programs with improvements to make them work.

For example, the Senate farm bill makes changes to the EQIP, or Environmental Quality Incentives Program, to ensure that private forest land owners receive the help they need to better manage their land.

Chairman HARKIN made numerous changes to the Conservation Security Program, which has been renamed the Conservation Stewardship Program. The Senate farm bill provides $1.28 billion in new spending for that program.

There are also adjustments made to increase participation of specialty crop producers in the Conservation Stewardship Program, dedicated conservation program resources and higher technical assistance levels to increase participation of beginning and socially disadvantaged farmers and ranchers. The title also provides added emphasis to encourage pollinator habitat improvements on agricultural and forest land.

Funding is provided for the Wetlands Reserve Program and the Grasslands Reserve Program, which did not have baseline funding starting in 2008. The Wetlands Reserve Program would be provided with funds to enroll 250,000 acres per year through 2012. The Grasslands Reserve Program would be provided with $240 million for fiscal years 2008 through 2012.

The Conservation Reserve Program would be maintained at 39.2 million acres. The Wildlife Habitat Incentives Program would be continued with $85 million per year for fiscal years 2008 through 2012. The Farmland Protection Program would be reauthorized at $97 million per year through the duration of the farm bill. The conservation title provides for the creation of a framework to facilitate the participation of farmers in greenhouse gas reduction and other environmental services markets.

Now, I understand the challenges faced in writing this farm bill and the significant investment that has been made in conservation programs, especially having to cover baseline shortfalls for the Wetlands Reserve Program and the Grasslands Reserve Program. However, a broader investment is needed in our conservation programs, such as the Environmental Quality Incentives Program and the Grasslands Reserve Program, so we can better capitalize on the conservation interest and needs across this Nation.

I will continue to work for investments in working lands conservation, such as the EQIP program and GRP, or Grasslands Reserve Program.

With any legislation that is as comprehensive as this, there are always provisions that each of us would like to see come out differently. However, on a whole, this bill before us builds upon past farm bills and sets U.S. agriculture on the right course. Throughout the crafting of this bill, it has been refreshing to see that more people are starting to understand each aspect of this important legislation. Truly, there are few pieces of legislation that have the ability to impact so many lives. This bill affects our Nation's food security, our global competitiveness, the condition of our air, water, and land, as well as many other aspects of our lives.

I look forward to getting past the impasse we face on the Senate floor and moving forward to a timely debate and the enactment of a farm bill that enables sound Federal farm policy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to address the issue which has been noted by the Senator from Idaho,

which is the process under which the farm bill is being considered in the Senate.

A number of the Members on the other side of the aisle, primarily the leadership, have spoken on this process and have made the representation that in some way we, on our side, are slowing down this bill. Nothing could be less accurate, in my opinion.

I know, although I do not happen to support the farm bill because I think it is bloated in many ways and essentially ignores the concept of a marketplace, the farm bill is going to pass. It always does pass. It always passes with a very large majority, which is assured by the fact that enough commodities are put into the subsidy system so that you can add up enough people to support it, so it will always pass with a large majority. And there will be 20 or 25 people who will vote against it.

So I have never held any belief or even thought for a second this farm bill was not going to pass the Senate. It is going to pass the Senate. It has not been my intention to either slow it down or try to defeat it because I know I cannot do either—or I did not think I could do either.

My intention was to improve it and to address issues which I think are relevant to it or which are appropriate to the issues which the Senate should be addressing today generally.

But, unfortunately, on the procedure that has been structured by the majority leader, all Members of the Senate, but especially members of the minority—the Republican Members of the Senate—have been shut out of the ability to amend this bill.

The majority leader has essentially created a system which you could call the ''permission slip'' approach to legislating. If he does not give you a blue permission slip, you cannot bring forward an amendment on this bill.

Obviously, that does not work for those of us who wish to amend the bill. But, more importantly, it does not work for the institution. The essence of the Senate is the ability to amend legislation when it is on the floor.

Washington described the Senate as the place where the hot coffee from the cup—referring to the House—it is the saucer into which that hot coffee is poured, so it can be looked at, thought about, and reviewed to make sure there is not hasty action, to make sure there is not precipitous action, to make sure there is not action which will come back to haunt us because we did not try our best to anticipate the consequences.

So the Senate was structured to be a deliberative institution. That was its purpose. Our Founding Fathers designed it with that intent in mind, as expressed by George Washington. It has always worked that way. We have always, when we have had major pieces of authorizing legislation on the floor, had the opportunity to amend that legislation. Even if they are not major pieces of legislation, in many instances we have had the ability to amend it in just about any way we wanted. There was a statement that you have to do relevant amendments. Well, under the rules of the Senate, there is no such thing as relevant amendments. Everything is relevant. Irrelevant amendments are relevant because that is the way the Senate is structured. That is the way we work. If there is an issue of the time which a Member wants to bring forward to discuss and have voted on, the idea is the Senate will do that. Now, there is a procedure to cut off and go to relevant or germane amendments, but that procedure is a very formal procedure known as cloture and it takes 60 votes. That should not be done on a bill of this size until there has been adequate debate and a reasonable number of amendments considered.

I noticed that the Senator from Michigan, whom I greatly admire and enjoy working with, had a large chart today which talked about the fact that there have been 55 filibusters by the Republican Party since the Senate has convened. That is sort of like, as I have said on occasion, the fellow who shoots his parents throwing himself on the mercy of the court because he is suddenly saying he is an orphan. The simple fact is the only reason there have been 55 cloture motions filed around here is because the majority party has decided to try to shorten debate and shorten the amendment process at a rate that has never occurred before. Bills are brought to the floor and cloture is filed instantaneously. That never used to happen around here. It is not our party which has been trying to extend these debates; it is the other party which has been trying to essentially foreshorten the debates in an extremely artificial and premature way and limit the capacity of the minority to make its points and to raise the issues it considers to be important.

On almost every one of these bills—the 55 that are noted—agreement could have been reached, timeframes could have been agreed to, an amendment list could have been set, and we could have proceeded under regular order. But regular order was not allowed because the other side of the aisle wants to manage the Senate the way the House is managed: Where the majority party essentially does not allow the minority to offer amendments to the bills unless the majority party agrees to the amendments. Well, I can understand that in the House. There are 435 people there and it would be pretty much chaotic. But in the Senate, we are not designed that way. The whole purpose of this institution is to allow extensive discussion of legislation and amendments on legislation, whether the amendments are relevant or irrelevant.

So the process that is being put in place is harmful, in my opinion, to the fundamental institution of the Senate, when you have a majority leader who comes forward, immediately fills the tree, and then says the majority leader is not going to allow any amendments to the bill unless the amendments are accepted by the majority leader which, of course, on its face is a little absurd. Obviously, if we were all going to offer amendments that agreed with the majority leader, we would all be in the majority leader's party. That is why we have a two-party system. The idea is a two-party system. The one party sometimes disagrees with the other party and tries to make the points we feel are important to govern us. But the majority leader closes the floor down, says we have a permission slip process where you have to get his blue slip of approval before we can move forward, and then he files cloture on the bill after having not allowed any amendments to move forward. I think that does fundamental harm to the institution. It creates a precedent around here that may well be a slippery slope for us as an institution. I remember a couple of years ago there was a big debate about whether we should do cloture, or needed cloture, on the issue of Supreme Court judges. On our side of the aisle, because there was a lot of foot dragging about some of the Supreme Court judges who were being nominated, there were many who felt we should go forward and have a ruling of the Chair which says it only takes 51 votes; the Constitution does not allow filibusters against Supreme Court judges. Well, some on our side of the aisle felt that was a slippery slope, that that type of a procedural heavy-handedness by the majority would harm the institution and would lead to serious ramifications down the road when the parties changed governance.

This institution will not always have a Democratic majority. The facts are pretty obvious. We change around here. The American people like to have Government change. They like change. They get frustrated with the way things are going, so they make a change. There will be a Republican majority; I absolutely guarantee that. But the Democratic leadership, the majority leader, is in the process of setting a precedent, if he is successful, which will be extraordinarily harmful should a Republican majority take control and use that same precedent. So I think it is a huge mistake that this process has proceeded in this way and it is inconsistent with the facts on the ground.

The majority leader has said we can only have relevant amendments—relevant, ironically, as defined by the majority side. Well, history has shown us that is not the case. Even on farm bills—even on farm bills—especially on farm bills, amendments are brought forward which are irrelevant to the farm bill all the time. In fact, ironically, the majority leader has brought forward a number of those amendments. In 1996, for example, he offered an amendment to the farm bill regarding the importation of tea and the Board of Tea experts. In 1990, he offered an amendment to the bill regarding

testing consumer products containing hazardous and toxic substances. In the year 2000, he offered an amendment to the farm bill regarding the Social Security trust fund and tax policy. In the year 2000, the majority leader offered an amendment to the farm bill regarding pest management in schools. The manager of the bill, Senator HARKIN, in the year 2000, offered an amendment regarding fees on pesticide manufacturing. In the year 1985, he offered an amendment regarding the creation of additional bankruptcy judges in the State of Iowa.

I would argue that none of those amendments, under the most liberal interpretation of what is relevant, would be defined as relevant in a postcloture exercise and, therefore, by the actions of the majority, and specifically the majority leader and the chairman of the committee; they have set a precedent that even if it weren't the right of the membership of the Senate, they have set a precedent that amendments which are not—which are irrelevant to the underlying bill can be brought forward, and they should be brought forward.

For example, today the majority leader came down and made a very compelling statement relative to the dire straits that people are in who are having their mortgages foreclosed on because of this subprime meltdown we are having. It is serious. It is very serious. It is serious to those people especially, but it is also serious to the Nation as a whole because it is affecting the credit markets and it may be contracting the economy. I filed an amendment which would address that issue. Some farmers I suspect are caught up in this subprime foreclosure exercise, unfortunately. I bet there are some farm families who have been hit by this. I know there have been. So I think it is probably pretty relevant to these people who are farmers and, therefore, an argument could be made it is relevant to the bill. But I am not making that argument. I am saying that issue should be raised right now—we shouldn't wait—that the amendment I have offered which would essentially say that if your home is foreclosed on, you don't get hit with a tax bill for phantom income, which is what happens today. If you happen to be unfortunate enough to have your home foreclosed on, you get a tax bill from the IRS, even though you lost your home and even though you didn't get any income out of the foreclosure sale. That puts a little more pressure on the person who has had their home foreclosed on. That is a traumatic enough event, but to then have the IRS come after you, that is horrible. So this amendment would basically stop that practice. It would say to the IRS: No. You can't deem that as income.

There are going to be some farmers who are going to need that protection, and there are going to be a lot of Americans who are going to need that protection, unfortunately. So we should take that amendment up. I would be happy to offer that amendment right now, but if I offered it right now, it would be objected to under the proposal because the majority leader has deemed it is not relevant to the farm bill and, therefore, he is not going to allow it to be debated. I happen to think it is a pretty darned important amendment.

There are a couple of other amendments I have suggested. I have suggested 11 amendments to the bill. That is not outrageous. Some of them I think could probably be negotiated. I even suggested I would take 15 minutes of debate on them, 7½ minutes divided equally on each one of them. Unfortunately, the other side of the aisle rejected that idea—or they didn't formally object to it, but they told us we would want to talk a little bit more about some of these amendments. But the assistant majority leader on the Democratic side of the aisle came down to the floor and specifically called out a few of my amendments and said that they were the problem. They were the problem because they shouldn't be heard on this farm bill. He mentioned the mortgage amendment which we discussed.

He also mentioned an amendment which I happen to think is pretty darn relevant to this bill, especially to rural America and farm communities, which is that in most of rural America today, there is a crisis relative to the ability of baby doctors to practice their profession. It is virtually impossible, for example, in northern New Hampshire to see an OB/GYN unless you drive through the mountains and down to the southern or mid part of the State. That is true across this country, because OB/GYN doctors—baby doctors—people who deliver babies in rural communities can't generate enough income because the populations aren't large enough to pay the cost of their insurance against frivolous lawsuits or lawsuits generally. So I have suggested that for those doctors specifically, so we can get more of them into the rural communities delivering babies for all the people who live in the rural communities but obviously for farm families, that we give protection to them—protection which tracks—it is not outrageous protection—the California protection for doctors which occurs generally under California law so the cost of their premium for malpractice insurance will not drive them out of practicing and delivering babies in rural America and especially to farm families.

The Senator from Illinois said that was a frivolous—he didn't use the term ''frivolous''—he implied the amendment wasn't a good amendment; we shouldn't have to debate that amendment on this bill. Why not? Why not take up that amendment? Fifteen minutes I am willing to debate that amendment, 7½ minutes on both sides, and vote on it.

Well, it is not because it is not relevant and it is not because it shouldn't be taken up; it is because there are a number of Members on their side of the aisle who said we don't want to vote that issue. It is a hard vote. Why? Because it makes sense. That is why I think it is a hard vote. But there are other people on the other side of the aisle who simply don't want to have to cast that vote. It is not about the relevance of that amendment; it is about the desire to avoid casting a difficult vote. Well, you were sent here; you should make difficult votes on public policy that is important, and that happens to be a fairly significant point of public policy that is important, whether women in rural America can have adequate and prompt access to an OB/GYN. I think that is pretty darn important.

Then the assistant leader said an amendment I had on the list, my 11 amendments—a small number of amendments—was not appropriate because it dealt with the Gulf of Mexico. Well, this amendment says, as a follow-on to the Oceans Commission, which did a very large, extensive study of the status of the ocean and America's involvement and what we should be doing relative to the ocean, which was completed about 2 years ago and which was created, authorized, and funded as a result of an initiative by Senator Hollings from South Carolina, with my support as a member of the appropriations subcommittee that had jurisdiction over NOAA, and the conclusion of this Commission, which was filled with the best and most talented scientists and leaders we have on the issue of how the ocean was being impacted, was that the Gulf of Mexico is being uniquely impacted by fertilizer runoff from the Midwest coming down the Missouri, the Mississippi, and the other tributaries of the Mississippi and going into the Gulf of Mexico, and we are getting a dead zone there, a very significant dead zone because of the phosphates and I think the nitrates. The Commission called for action. It said: We have to do something as a country about this.

But what does this farm bill do? It expands dramatically the incentive to put more acreage into production, and I say: Fine. That is great. But it doesn't address the runoff issue, which is that additional production is going to occur, or the runoff issue that is occurring as a result of already existing production. So all this amendment does is say let's give NOAA the ability to go out and study this problem and see if they can come up—working with the Department of Agriculture—with some ideas on how we might be able to abate the harm we are doing as an unintended consequence of expanding our agricultural community, the harm we are doing to the Gulf of Mexico. But no, no, we can't take up that amendment. No, no. It doesn't get a blue slip, permission slip from the majority leader.

Then the fourth amendment which was mentioned or cited by the assistant leader as being something that was

problematic—and that is sort of a conservative description of the way he addressed the issues—was an amendment I have that says the firefighters should have the ability to pursue collective bargaining.

Now, maybe farms don't have fires. Maybe barns don't burn down and silos don't blow up. Maybe there weren't any wildfires in San Diego. Maybe I missed all that. But it seems to me that fire protection is a pretty big part of everybody's lifestyle in this country, and having fire departments that know what they are doing and are properly paid, have proper equipment and training is really important whether you happen to be in New York City or on a farm somewhere in the Midwest or the West. So I cannot imagine under what scenario it is deemed that this amendment should not be discussed and voted on.

Again, I am willing to do this for a briefer period of time. I am not trying to slow the bill down. I want to get a few issues up that I think are important to the definition of the problem as I see it in the farm region.

Then I had a series of amendments—well, I only had 11, but 5 of the amendments I had dealt with the budget process.

This farm bill does fundamental harm to the concept of responsible budgeting. It plays games with our budget process. We hear so much from the other side of the aisle about how they use pay-go to discipline spending around here. That is the term, the motherhood term we hear, ''pay-go.'' It turns out that it is ''Swiss cheese go'' as far as the other side of the aisle is concerned regarding spending restraint. On 15 different occasions, they have gimmicked pay-go, played games with it to the point where they have spent almost $143 billion in this Congress which should have been subject to pay-go but was not subject to a pay-go vote because they managed to gimmick their way around it.

This farm bill is a classic example of that procedure occurring again. By changing dates—1 day—so that they shift years and take items out of the pay-go—what is called the pay-go scorecard—they are able to avoid pay-go charges in this bill to the tune of $10 billion. That is not small change, by the way. We should have a pay-go vote on that $10 billion if we are going to maintain the integrity of the budget process. That is reasonable. I have asked for that vote.

In addition, they have created a new emergency fund—a $5 billion emergency fund. The way we have handled emergencies—and there are, I admit, many emergencies in farm country—is that we have always paid for those emergency costs through an emergency supplemental, whether it is because of a flood or if there is a drought or if there is a hurricane. We fund the costs after they have occurred, and we pay the costs of the emergency. What this would do is set up what amounts to a slush fund—what I am afraid will become basically walking-around money—of $5 billion and a floor so that we are going to be guaranteed that every year for the next 5 years at least a billion dollars will be spent on emergencies, whether there is an emergency or not. You know, if a large wind blows a mailbox over in North Dakota, it is going to be declared an emergency because somebody is going to want to get their hands on that billion dollars. That makes no sense from a budget standpoint. We know that human nature—especially legislative nature—will spend that money once it is allocated, and we should not do it up front, create a floor; we should do it the traditional way, which is to pay for emergencies when they occur. Now, some people here obviously disagree with me. I suspect I will not win that vote. But it doesn't mean we should not have a vote on that point of budget discipline and the importance of budget discipline.

In addition, on the budget issue, there is a $3 billion gimmick in here that is so creative it sets a new standard for creativity. There always has been movement of money from the discretionary side of the account to the mandatory side, and vice versa, to free up more spending. That is a game that has been played a long time, where an expenditure that is discretionary will suddenly find out it is being put under a mandatory account, so the money being spent in the discretionary account can be freed up to spend it on something else. If you get it into the mandatory accounts here, you basically put it on autopilot and don't have to worry about it ever again.

This bill takes this concept to a new dimension. It takes a mandatory spending responsibility and moves it over to a tax credit, so that we now have a $3 billion tax credit where we used to have a $3 billion mandatory expenditure, and then it takes the $3 billion that was being spent on the mandatory side of the account and spends it on a new program. So, essentially, by using the tax law in a very creative way, you have generated new spending of $3 billion. I think that is terrible budget policy. I think we should address it, debate it, talk about it on the floor, and definitely vote on it before we allow this bill to go to cloture.

Obviously, there are a lot of issues raised by this bill; otherwise, there would not be 240 amendments filed. The majority of them have been filed by the other side of the aisle. But the fact that the procedure has been structured in a way that these amendments, which are totally reasonable, which are parts of significant issues of public policy, such as whether women in rural America will be able to see an OB/GYN or whether farmers get the equipment they need or whether a person whose home is foreclosed on will get hit with an IRS tax penalty or whether the Gulf of Mexico should be looked at relative to maintaining its vitality as a environmentally sensitive area—we are not going to be allowed to look at all of these issues because the majority leader set up a blue-slip permission process, which is totally antithetical to the system the Senate historically works under and undermines the capacity of issues to be debated and voted on. I just think, as I said, it is doing fundamental harm to our institution. Even if I didn't want to bring these amendments forward, I would not want to have a process that denied the right of other people to bring amendments like them forward.

The fact that the leadership on the other side of the aisle wants to insulate its membership from making tough votes on things like baby doctors being available to farmers and farms getting the equipment they need and people whose homes are foreclosed on not being subject to IRS penalties—the fact that they want to protect their membership, that is understandable. That is their leadership. Their leadership is clearly trying to protect them in their jobs. To abuse the process of the Senate to accomplish that, to create a procedure where you basically foreclose amendments in a manner that actually is even more strict and more contracted than what the House does, does more harm than good to the institution. As I said earlier, it puts us on an unnecessary and inappropriate slippery slope, and it is a fundamental change in the way the Senate works.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

SENATE CHOICES

Mr. KENNEDY. Madam President, on tomorrow, we will be voting on several items. Two are going to be related to our policy on Iraq. Tonight, I wish to express my views on the choices that are before the Senate and the American people. I know later in the evening a number of colleagues will speak to this issue. I welcome the chance to now express my view.

Madam President, I oppose the minority leader's effort to provide a $70 billion blank check to President Bush for his failed Iraq policy. I will support legislation approved yesterday in the House of Representatives requiring the President to begin to bring our combat troops out of Iraq in 1 month and complete the withdrawal by December of next year. I hope the Senate will support it, and I hope President Bush will sign it into law.

Earlier this month, we reached another tragic milestone in Iraq. We have lost more Americans in Iraq this year than in any other year. It is another painful and somber reminder of the enormous price in precious lives the Iraq war continues to impose. It is long past time for the administration to change course and end the national nightmare the Iraq war has become. Our military has served nobly in Iraq and done everything we have asked them to do. But they are caught in a

continuing quagmire. They are policing a civil war and implementing a policy that is not worthy of their enormous sacrifice.

The best way to protect our troops and our national security is to put the Iraqis on notice that they need to take responsibility for their future so that we can bring our troops back home to America safely. As long as our military presence in Iraq is open-ended, Iraq's leaders are unlikely to make the essential compromises for a political solution.

The administration's misguided policy has put our troops in an untenable and unwinnable situation. They are being held hostage to Iraqi politics, in which sectarian leaders are unable or unwilling to make the difficult judgments needed to lift Iraq out of its downward spiral.

BG John F. Campbell, deputy commanding general of the 1st Cavalry Division in Iraq, spoke with clarity about the shortcomings of Iraq's political leaders. He said:

> The ministers, they don't get out. . . . They don't know what the hell is going on on the ground.

Army LTG Mark Fetter said that ''it is painful, very painful'' dealing with the obstructionism of Iraqi officials.

About conditions on the ground, Army MG Michael Barbero said:

> . . . it's not as good as it's being reported now.

All of these military deserve credit for their courage in speaking the truth. We should commend them for it. These are courageous, brave military speaking the truth.

Yet the President continues to promise that success is just around the corner. He continues to hold out hope that Iraq's leaders are willing and capable of making essential political compromises necessary for reconciliation.

The American people know we are spending hundreds of billions of dollars on a failed policy that is making America more vulnerable and putting our troops at greater risk. The toll is devastating. Nearly 4,000 American troops have died, tens of thousands of Iraqis have been killed or injured, and over 4 million more have been forced to flee their homes. Nearly a half trillion dollars has been spent fighting this war.

It is wrong for Congress to write a blank check to the President for this war. It is obvious that President Bush wants to drag this process out month after month so he can hand off his policy to the next President. It is time to put the brakes on this madness. It is up to us to halt the open-ended commitment of our troops that President Bush has been making year after year. We need to tell the Iraqis now that we intend to leave and leave soon. Only by doing so can we create the urgency that is so clearly necessary for them to end their differences.

We cannot allow the President to drag this process out any longer. This war is his responsibility, and it is his responsibility to do all he can to end it. It is wrong for him to pass the buck to his successor when he knows thousands more of the courageous members of the Armed Forces will be wounded or die because of it. Every day this misguided war goes on, our service men and women and their families continue to shoulder the burden and pay the price.

If this issue were only about the tragedies of the war, there would be reason enough to end it. But it has become about so much more. Now we are also starting to see the fallout at home as the President refuses to deliver the relief our families need.

Earlier this week, the President signed a Defense appropriations bill that includes a 10-percent increase in funding compared to last year, but he vetoed a bill that includes an increase half that big that would fund cancer research, investments in our schools, job training, and protection for our workers. That bill included $4.5 billion more than the President proposed for education. He said that $4.5 billion more for students is too much. Yet he has asked for 35 times that much more for the war in Iraq. He wants us to say yes to $158 billion for Iraq when he says no to $4.5 billion for American children.

In Iraq, anything goes. The sky is the limit. Billions and billions of dollars for Iraq. But here in America, right here at home, a modest investment in our school children gets a veto.

The bill included $3 billion to improve the quality of our teachers. Those funds would have been used to hire 30,000 more teachers, provide high-quality induction and mentoring for 100,000 beginning teachers, and provide high-quality professional development for an additional 200,000 teachers. One week of the failed policy in Iraq is the cost. We could do all of this for our teachers for the cost of a single week in Iraq, but the President says no.

The bill that he vetoed included $7 billion to provide high-quality early education through Head Start. Yesterday, the Senate approved a Head Start bill to strengthen the program and make Head Start even better. The bill goes a long way in strengthening the quality of the personnel, tying Head Start to kindergarten and other education programs in the States and consolidating all the various programs in the States that are available to children to make them more effective. Each of these improvements make an enormous difference in the lives of Head Start children. Funds the President vetoed would be used to build a basic foundation for learning that will help low-income and minority children for the rest of their lives. We can improve this foundation for the cost of a little more than 2 weeks in Iraq.

But even as we work in Congress to improve this vital program, the President says no. No, no, no to this program, no to the Head Start children. We are only reaching half of those who are eligible for the program at this time. We have over 4 million poor children under the age of 5 in the United States of America; we only reach 1 million of them. We all know what a difference early intervention makes for children in education. It is critically important for us to continue strengthening the academic programs, socio-emotional support, and health services delivered through Head Start and yet the President continues to say no.

The same misguided rationale applies to other investments in this bill. The President's choices cast aside urgently needed research on heart disease, diabetes, asthma, infectious disease, and mental health, and many other areas that could find cures and bring relief to millions of our fellow citizens.

This chart shows $4.9 billion in cancer research which would fund over 6,800 grants; diabetes research, pandemic flu, with all the dangers we are facing with the potential for a pandemic flu—that is necessary—support for the CDC, one of the prime health agencies to help protect Americans. It does such a good job in terms of immunizations and community health centers, which is a lifeline for 15 million of our fellow citizens, so many of whom have lost their health insurance. And the answer is no to those individuals.

It is true, in terms of American workers, the President rejects funding to enforce the labor laws that keep workers safe and to give them a level playing field. Instead, the President's veto takes bad employers off the hook and puts the safety and lives of American workers at risk. The President's choices are devastating to veterans as well. Listen to this, Mr. President. Each year nearly 320,000 brave servicemen return to civilian life, many coming from Iraq and Afghanistan. Tens of thousands—here is the chart. These are the returning veterans from Afghanistan and Iraq. Tens of thousands of reservists and National Guard have lost their benefits and even their jobs because they served their country. That is why the appropriations bill provided $228 million to help veterans find jobs, obtain training, and protect their right to return to former jobs. They are guaranteed now under existing law, but what is happening is that law is not being implemented. We found that three-quarters of returning veterans do not even know about their rights and, in many instances, they are losing their jobs, they are losing their overtime pay, and they are losing their pensions. That is why today one out of four homeless people in the United States is a former veteran. The bill we approved would help address this issue, but that was also vetoed.

The bill we will have a chance to vote on tomorrow in the Senate, which was approved by the House of Representatives yesterday, also takes an important step in reining in the Bush administration's use of torture. It is difficult to believe that in this day and age, Congress needs to legislate against the use of torture to prevent the President of the United States from abusing prisoners. Torture and cruel, inhuman, and

degrading treatment are already prohibited by law. Yet, once again, we must legislate, not because the conduct we would prohibit is somehow unlawful, but because the Bush administration continues to twist and distort existing law in its misguided, immoral interrogation practices.

The Nation was shocked by the horrible images from Abu Ghraib prison, and America was shamed in the eyes of the world. The administration tried to whitewash the episode by blaming it on low-level soldiers, but the truth about our use of torture couldn't be concealed. Led by President Bush, Vice President CHENEY, Secretary of Defense Rumsfeld, and Attorney General Gonzales, the administration had set a course that undermined fundamental American values in the craven belief that torture could somehow make us more secure.

Our interrogators were authorized to shackle prisoners in stress positions, induce hypothermia, and use sleep deprivation, extend isolation, bombardment with lights and loud music, and even now the infamous practice of waterboarding. The Justice Department's Office of Legal Counsel—listen to this, Mr. President—the Justice Department's Office of Legal Counsel gave its approval to the legality of these practices in the morally outrageous Bybee torture memorandum. The Bybee torture memorandum was in place for more than 2½ years until Mr. Gonzales appeared before the Judiciary Committee when he wanted to be the Attorney General of the United States. He could look over that committee and tell that if he had to defend that memorandum, he would never make it, and he was right.

What happened? The administration repealed the Bybee torture memorandum, and Mr. Gonzales got through the Judiciary Committee, although there were more than 40 votes in the Senate against his confirmation.

Under the Bybee memorandum, if the President approved the use of torture, no one could be prosecuted for breaking our Nation's laws or international obligations.

Do my colleagues understand? Under the Bybee memorandum, if you were going to prosecute an individual for using torture, you had to demonstrate a specific intent that the purpose of the torture in which you were involved was not to gain information but just to harm the individual. Unless a prosecutor would be able to demonstrate that the purpose of torturing an individual was not to gain information, you were effectively let off, free.

As the distinguished Dean of Yale Law School, Dr. Koh, said, it was the worst piece of legal reasoning he had seen in the history of studying laws in the United States and legal opinions.

The administration withdrew the Bybee memo in embarrassment when it became public. Indeed, the now-Attorney General Mukasey refused to denounce waterboarding as torture.

Only leaders who fail to understand the founding principles of America could approve such behavior. Our country needs to stand beyond reproach for the sanctity of each individual, for freedom, for justice, for the rule of law. But the administration turned its back on all these traditions and on the ideals of America itself.

In 2005, Congress passed the Detainee Treatment Act to ensure that all interrogations conducted by the Department of Defense would comply with the Army Field Manual, a comprehensive and effective approach to interrogation that prohibits the use of torture and cruel, inhuman, and degrading techniques in favor of techniques that are most likely to be effective in gaining necessary information.

LTG John Kimmons said, when releasing the manual:

> No good intelligence is going to come from abusive practices. I think history tells us that. I think the empirical evidence of the last five years, hard years, tells us that. The Manual itself tells us that the use of torture is not only illegal, but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say whatever he thinks the [interrogator] wants to hear.

Last May, General Petraeus echoed these statements in a letter to all our servicemembers in Iraq saying that ''torture and other expedient methods to obtain information'' are not only illegal and immoral, but also generally ''neither useful nor necessary.''

We now know, however, that the 2005 act left open a loophole that undermines the basic safeguards against torture and cruel and degrading treatment. We applied the field manual to the Department of Defense, but not to the CIA.

Last year in the Military Commissions Act, Congress left it to the President to define by Executive order the interrogation practices that would bind all Government interrogators, including the CIA. The President's Executive order drove a Mack truck through this small loophole. The vague terms of the order permit many of the most heinous interrogation practices.

The provisions of the bill we will have an opportunity of voting on tomorrow closed that loophole. They require that all U.S. interrogations, including those conducted by the CIA, conform to the Army Field Manual. This very simple and easily implemented reform means no more waterboarding, no more use of dogs or other extreme practices prohibited by the Manual. There will still be great flexibility in use of interrogation methods and our interrogators will be able to effectively get the required information, but torture will be off the table.

This bill is an opportunity to restate our commitment to the ideals and security of our Nation. It is an opportunity to repair the damage done to our reputation by the scandal of Abu Ghraib and the abuses of Guantanamo. It is an opportunity to restore our Nation as the beacon for human rights, fair treatment, and the rule of law. It is an opportunity to protect our brave service men and women, both in and out of uniform, from similar tactics. It is a simple but vital step in returning our Nation to the rule of law and the ideals on which America was founded, and it deserves to be enacted into law as soon as possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

SUBPRIME LENDING CRISIS

Mr. MARTINEZ. Mr. President, I wish to take a moment to express my strong support for modernization of the Federal Housing Administration. As you know, there is a serious financial issue affecting a lot of Americans. The subprime lending crisis is driving up foreclosure rates in Florida and across the country.

The problem is that from 2004 to 2006, financial institutions gave a lot of people mortgages they could not afford. These were low-interest, nothing-down, sometimes no-document loans that made the initial monthly payment very affordable. But because these were adjustable rate mortgages, a lot of people soon found themselves in a lot of financial trouble. After 24 months, or whenever the initial low downpayment period was over, the next market-driven rates set in and monthly mortgage payments climbed substantially.

Another factor compounding the problem, especially in places such as Florida, is that housing prices are stagnant or declining. So with no equity, higher monthly payments, and no chance to sell without taking a substantial loss, a lot of homeowners who have subprime loans are finding themselves in the perfect storm and, sadly, they are facing financial foreclosure.

Imagine the heartbreak of a family losing a home to foreclosure. About 2 million families in America are in that predicament today. This summer we saw the first wave of foreclosures, and because of the lag time between interest rate adjustments, we are likely to see another wave before too long. But the good news is that there is a strong public-private partnership offering help.

The Federal Housing Administration is offering certain homeowners an option to refinance their existing mortgages so they can make their payments and keep their homes. Additionally, FHA is coordinating a wide variety of groups that offer foreclosure counseling. This is to identify homeowners before they face hardships, help them to understand their financial options, and allow them to find a mortgage product that works for them.

I commend President Bush and Housing Secretary Alphonso Jackson for

stepping in to help with this difficult situation. I also commend the private institutions that are helping families avoid foreclosure. But where we need more action right now is right here in the Congress.

I am pleased we have put together a bipartisan FHA reform bill that will lower downpayment requirements, allow FHA to insure bigger loans, and give FHA more pricing flexibility. These reforms will empower FHA to reach more families that need help. It would also help first-time home buyers, minorities, and those with low to moderate incomes.

Over the past 72 years, FHA has been a mortgage industry leader, helping more than 34 million Americans become homeowners at no cost to the taxpayer. With this legislation, we build an even better program that complements conventional mortgage products and allows FHA to continue to serve hard-working and creditworthy Americans.

I commend Senators DODD and SHELBY for their leadership on this issue in the Banking Committee. The legislation we have before us is the result of a lot of time and dedication from members of that Senate Banking Committee. It isn't an easy process to get legislation through this committee, but it is a fair one. With this legislation, we have the opportunity to use the resources of the Federal Government in a reasonable and responsible manner in order to mitigate against future home losses.

As former Secretary of Housing and Urban Development, I know this program well, and I would ask my colleagues who may have questions or concerns with this legislation to talk to me about it. I would love to tell you why this is a good idea for America.

I would also add that Senators DODD and SHELBY and I have worked hand in hand with the administration throughout this process, and that this legislation that was reported from the Banking Committee—and, as I said, has bipartisan support—also enjoys the support of the President and the Department of Housing and Urban Development. In fact, I have a letter from Secretary Jackson to Chairman DODD and Ranking Member SHELBY dated September 19 expressing enthusiastic support for the bill.

This is a bill that will help families. At a time when America seems to be looking to Congress for answers on issues from energy to the crisis that is going on with the foreclosure problem, to so many other issues, here is a time when we can come together and get something done that is good for the American people.

To make the argument this legislation has not been given due deliberation is both unfair and unfounded. FHA reform is an issue that has been debated here in Congress for many years. In fact, I know we debated this issue here when I was Secretary of Housing and Urban Development.

The Banking Committee has had hearings and Members have been an active part of the process. At the markup in September, members voted 21 to 1 in favor of reporting the legislation from committee. I believe the one Senator who did object in committee now supports the legislation.

So, again, I ask my colleagues to take a good look at the merits of this legislation and support our efforts to provide hard-working, creditworthy Americans with an avenue to safe, sound, and affordable mortgage lending.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

TRIBUTE TO SENATOR BYRD

Mr. STEVENS. Mr. President, I come to the floor to honor the President pro tempore, our great friend, the senior Senator from West Virginia. Senator BYRD will celebrate his 90th birthday next Tuesday. In Alaska, we call this a significant milepost. Milestones in Alaska get covered with snow too often.

I remember watching from the gallery in 1959 when Senator BYRD took office. I was a member of the Eisenhower administration at the time. He had been here for nearly a decade by the time I came to the Senate in 1968. Senator BYRD and I have worked together on the Appropriations Committee now for 36 years. We have each chaired that committee and we have each had the honor of becoming the President pro tempore. He has been President pro tempore twice.

Senator BYRD has been called a symbol of our history, and those of us who served with him, and continue to serve with him, rely on his knowledge of the Senate and its history and traditions. I wish I had the time to go into some of the times I have listened to Senator BYRD recite poems or history, or tell of his times of researching the history of the Roman Senate. I served as the whip here for 8 years when Senator BYRD was giving his history lessons, and it was my honor to sit here and listen to those history lessons, and I learned a great deal from him.

His devotion to the Senate and to those of us who serve with him are reasons for us to call him the patriarch of the Senate family. I know of no one who has done so much to keep the spirit of the family alive in the Senate. Over the years, Senator BYRD has come to the floor many times to honor me personally and to honor my family. He comforted me here on the floor when my wife Ann passed away. He comforted me in times of sorrow; he comforted me in times of joy.

He came to me on the day I first became a grandfather. And I will never forget that, because he gave a speech about the meaning of becoming a grandfather, and he told me I had my first taste of immortality because I was a grandfather. Those words have stayed with me for a long time. I now have 11 grandchildren, but I will never forget that speech about the first one.

I also remember the kind remarks he has made to me on many other occasions. He came to the floor and offered congratulations of the Senate when I remarried, and he came again when Catherine and I had our first daughter, our only child, Lilly. Earlier this year, he came to the floor to congratulate Lilly on her graduation from law school. And with Lilly, I remember when she was young and a baby, and I was the whip, we had a birthday party for Lilly every year here, and Senator BYRD never missed one of those. He became Uncle Robert to Lilly. He has had a marvelous relationship with the children of Senators who have served with him.

The nurturing and caring quality that Senator BYRD has brought to this Chamber for so many years reminds us we are a family. We had the sad occasion to gather with him and support him when he lost his beloved wife. But I have come here today to congratulate the Senator from West Virginia not only for his service to our Nation and to the Senate, but for his longevity. He is the only Senator who is older than I am, and I thank him for his friendship and for all he has done for me and my family personally.

Catherine and I wish him a very happy birthday, and we hope the Senate will join in extending to the President pro tempore our sincere congratulations on his birthday.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

NATIONAL ADOPTION DAY

Ms. LANDRIEU. Mr. President, I appreciate the opportunity to be recognized to speak for a moment with my colleague Senator COLEMAN on National Adoption Day, which is this Saturday.

Before I do that, let me thank the Senator from Alaska, the senior Senator, for his beautiful remarks relative to our other colleague from West Virginia, a man whom we have all come to know and love and respect for his years and quality of service to this body and to our country. Many of us will have other words to say on behalf of Senator BYRD on his birthday, which is coming up very soon.

I wanted to come to the floor with my colleague from Minnesota to speak about a very important issue that we try to remember and reflect on through the whole month of November, but particularly on National Adoption Day on November 17. I also wanted to take this opportunity to remind ourselves of the importance of family and the laws we try to pass here in Congress to encourage families to be strengthened and expanded through the miracle of adoption.

Many Members of Congress, including myself, are adoptive parents. We have personally experienced the joy of building our families through adoption. We are proud promoters of this practice that is not uniquely American, but is embraced by Americans in a way

that it is not embraced in most countries in the world. And we are proud of that. In America, we like to believe it is not the color of our skin or even being from the same part of the world that makes a family. It is a bond, a love that can be shared between people and families and children, even if those children are of a different race or a different background. It is a very unique aspect of America that is quite open and quite extraordinary.

In America, we adopt many children, thousands of children. Over the last decade, the numbers have increased every year, in good measure due to the work that has been done in the United States, right here in Congress.

Let me back up a minute to say that, obviously, our ultimate hope and wish is that all children could stay with their birth families. In an ideal world, you would want all children born in every country, every day and every year, to be able to be born into families who want them, can care for them, can nurture them, and will stay whole and permanent. But we know in the reality of the world in which we live, that is not possible. War, famine, disease, addiction, violence, and gross neglect separate families, separate children from their birth parents every day.

I think it is one of our primary responsibilities as responsible, functioning governments, particularly democracies, to do what we can to connect those children who are separated from that special bond with a birth parent to another nurturing, loving adult as quickly as possible. It would seem that the most natural thing in the world is to understand that a child without a parent is very vulnerable. Even children with parents who are educated and able to navigate through life still have great challenges. So, you can imagine the vulnerability of children with no parents to protect them, alone to raise themselves. Children don't do that very well. And governments don't raise children. Human beings—parents—do. So we need to do our best.

We are working at it, but we have a long way to go. That is why every November, our Presidents, President Clinton, and before him President Bush, take a minute, as our current President will tomorrow at the White House, to acknowledge that November in America is National Adoption Month. We focus the attention of our country on our efforts and we congratulate ourselves on our progress, but there is still a gap. We have 514,000 children who have been removed from their birth families and placed in the care of the community, in foster care. Today, over 115,000 of these children are waiting to be adopted, and the majority of their parents already have had their parental rights terminated. These children are waiting to be placed in a permanent family through adoption, whether kinship or regular, or long-term guardianship.

So I come to the floor today to recognize some of these children who are waiting today, and to say that while we are making progress, we have some beautiful children who are still waiting to be adopted. There are many misconceptions about some of the children who are in our public child welfare and foster care systems. The survey recently conducted by the Dave Thomas Foundation for Adoption indicated that the majority of Americans mistakenly believe that many of the children in foster care are ''juvenile delinquents.'' According to the survey, an unbelievable number of Americans, have thought about adopting a child from foster care, but because of their misperception that there is something wrong with these children, that they are damaged goods, they back up or they back away.

The facts will show that it is not the children who are in foster care who are delinquent. It was a problem from the parental end; that the parents somehow failed to step up or were unable to step up. These children are not damaged goods. They are doing beautifully in school. Many grow up to be quite successful, but they, like all children, need parents and protection.

This is a young girl, Natalyia, who is 8 years old. She has been in foster care since 2001 and is one of the children in Louisiana who is waiting to be adopted.

This is two siblings. Sometimes a child is an only child and sometimes a child has brothers and sisters. I am one of nine children. I know, Mr. President, you came from a fairly large family. Sometimes the unfortunate thing is that parents walk away, or disease or violence separates them from groups of children.

These are two young boys, Terron and Montrell, who are about 7 and 8 years old. They are in foster care in Louisiana, looking for parents here in the United States.

This is two other brothers who have been in foster care for a while. Their names are Ronnie and Kody. They are 11 and 13 years old, also looking for a family here in the United States.

We have thousands and thousands of children of all ages in the United States looking for families. We have millions of orphans around the world. As I said, there are tens of thousands of children right here in the United States who are waiting to be adopted. I am proud of the laws we have tried to pass here on the floor of the Senate, giving appropriate tax credits and providing other opportunities for children to move into loving and permanent families.

I think our time is limited. I don't want to take any more time, but I ask unanimous consent to allow the Senator from Minnesota to finish up our talk here on the Senate floor, to acknowledge National Adoption Day and National Adoption Month, and then turn to the leadership, if I could.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Minnesota.

Mr. REID. Mr. President, I am wondering if my friend from Minnesota will be kind enough to allow the two leaders to engage in a little work here on the floor? As soon as we finish, he would retain the floor.

Mr. COLEMAN. Mr. President, I graciously yield the floor to the two leaders.

Mr. REID. My friend is gracious in everything he does. I appreciate that so much.

CONDITIONAL RECESS OR ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H. Con. Res. 259, the adjournment resolution.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 259) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, could the majority leader tell me what the schedule is likely to be for tomorrow?

Mr. REID. Yes. We will do a unanimous consent request in a minute for your approval or disapproval. What we are going to do is come in in the morning. I want to come in early because of requests from both your side and my side that we vote first on an Iraq matter that the minority has brought to the floor; then we would vote on a motion to proceed to the bridge bill that the House voted on last night; and then we would vote on the motion to invoke cloture on the farm bill. At that time, hopefully, we would be ready to wind things down until after Thanksgiving.

The ACTING PRESIDENT pro tempore. Is there objection?

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

Mr. REID. I ask unanimous consent the current resolution be agreed to and the motion be laid upon the table.

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

The concurrent resolution (H. Con. Res. 259) was considered and agreed to.

The concurrent resolution reads as follows:

H. CON. RES. 259

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 15, 2007, or Friday, November 16, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 15, 2007, through Thursday, November 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday,

December 3, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDERS FOR TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate vote at 9:30 a.m. tomorrow on the cloture motion on the motion to proceed to S. 2340, the Senate Iraq Emergency Supplemental Appropriations bill; if cloture is not invoked, the Senate then vote on cloture on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations bill; if that cloture is not invoked, the Senate then vote on cloture on the substitute amendment to the farm bill; I further ask unanimous consent that the cloture vote on H.R. 2419, the underlying bill, be delayed to occur, if needed, upon the adoption of the substitute amendment; I further ask unanimous consent that the time for debate prior to the first vote be equally divided between the two leaders or their designees; that the last 10 minutes be reserved for the two leaders, with the majority controlling the last 5 minutes; and that there be 2 minutes for debate before the second and third votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I say to my friend, it is my intention to come in in the morning at 8:30. That would allow any Senators who wish to talk about the farm bill and Iraq to do that tonight and in the morning we have a few speakers and you would have some speakers, and that should conclude the events tomorrow. I think we need to come in early because we have had a number of requests, as you know.

I do say this, I appreciate the understanding of my friends on the other side. As they know, there is a debate tonight of all Democratic Presidential candidates, and they needed to be here in the morning. That is required. They probably needed the time anyway, but I couldn't push forward on that tonight, especially with the debate starting in 2 hours in Las Vegas.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, let me say a couple of things before the distinguished Republican leader leaves. We had a brief conversation here in the well of the Senate a couple of minutes ago. I am disappointed we cannot proceed to the Transportation appropriations bill. The President tells us he wants bills. We do everything we can, and it is difficult to get them done, but we have now completed an extremely difficult conference. It has been open. Republicans have participated. I am not going to go into the details of the bill, but it is a transportation bill. It deals with such important parts of America's infrastructure which are so desperately needed.

I hope, I say to my friend, that maybe before we leave here tomorrow there will be another thought given to this. It would be nice if we could send this bill to the President and do it before we leave here for recess. Senator BOND and Senator MURRAY on our side, the managers of this bill, have worked very hard trying to get everything done. They worked today. We got a hold on it here taken off. Somebody objected here. We took that off. I am so grateful for their hard work, their bipartisan work on this legislation.

I do say this, Senator BOND, who has been one of the members of the Appropriations Committee for some time, has been pretty easy to work with over the years. He has been very reasonable. Senator MURRAY told me he has been extremely reasonable during this most difficult bill. I am not going to ask unanimous consent to go forward on it. I have been told by my friend, the distinguished Senator from Kentucky, there would be an objection. I do feel sorry we have not been able to do that.

Finally, I will say a few words on an important issue, breast cancer and environmental research. I indicated earlier this year I was going to move forward, if necessary, on cloture. There is one Republican Senator who has held up this extremely important bill. This legislation would authorize money for 5 years to study the possible links between the development of breast cancer and environment. One key provision in the legislation would create an advisory panel to make recommendations about these grants.

Over the past 6 years, this bill has enjoyed very broad, bipartisan support. During the 109th Congress, this bill was reported out of the HELP Committee, but one Senator on the other side, one Republican, objected to our request to pass it.

I am bound and determined to pass this legislation. Why I have not moved on it earlier is the following reason: We have gotten great work on a bipartisan basis out of the HELP Committee. Senators KENNEDY and ENZI—one would not think they are political soulmates, but they are. They balance each other out. Senator ENZI confided in me—I don't necessarily mean confided in me, but he told me that he was going to have a hearing on this very soon, before the first of the year, to see if he could work out the problems the one Senator had. If that in fact is the case, this matter could be brought out of the committee to the floor and passed very quickly rather than my taking a week or so on the legislation. So I want all those who are so concerned about this legislation to know I have not forgotten about it, but based on Senator ENZI's representations, I am not going to try to invoke cloture on this bill at this time. If we do not get something done during the first few months of the next year, we will do that. Hopefully we can pass it in December.

Mrs. MURRAY. Mr. President, could the majority leader yield for a question?

Mr. REID. I am happy to yield for a question.

Mrs. MURRAY. Mr. President, I am listening carefully to what you said. I am here on the floor working very hard trying to get the Transportation and Housing bill to the President, as he has asked us to do. We worked together in a strong bipartisan way. All of the Republicans and all the Democrats in both the House and Senate signed the conference committee report. This is critical infrastructure. I note the Senator from Minnesota is on the floor. He had a bridge collapse in his State. We have had a housing crisis we addressed within this bill. We know airport expansion is a critical infrastructure piece. I see the Senator from Louisiana is on the floor. There is very important infrastructure there.

If I heard the Senator correctly, we are not going to be able to move forward on this critical piece of legislation that only has one hurdle left to get to the White House. If I could, in effect, clarify it, my understanding is there is an objection and we will not be able to move it past the final hurdle?

Mr. REID. I answer to my friend who has done such an outstanding job on this bill, as she does on everything, this bill did have in it $195 million to replace I–35 West, the bridge in Minneapolis. We all witnessed the tragedy of the collapse of that bridge. A picture is worth 1,000 words so I will not give 1,000 words, other than to say I ask everyone to call up in their mind's eye the devastation that took place when that bridge unexpectedly collapsed. The bill also, I say, includes an additional $1 billion for urgent bridge repairs in all States in the wake of that tragedy. That is only a small part of that legislation and it is unfortunate we couldn't send that to the President before the recess. We still could, maybe when we get back in the morning, and we could do it before we leave here. That is still possible.

Mrs. MURRAY. I say to the majority leader, I thank him for trying to move forward. I hope our minority leader will work with his caucus to try to help us move this forward. It is critical infrastructure that thousands of communities are counting on this week, heading for a jampacked Thanksgiving holiday. Everyone is going to realize the impact of not investing in our infrastructure. I hope we can continue to try to work something out.

I thank the majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 3996

Mr. REID. I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of H.R.

3996, the Tax Extender/AMT bill, and that it be considered under the following limitations: that there be 2 hours of debate equally divided between Senators BAUCUS and GRASSLEY or their designees prior to a cloture vote on the bill; if cloture is invoked, there be no amendments in order to the bill; if cloture is defeated, there then be 1 hour for debate on Senator LOTT's amendment No. 3620, providing for AMT repeal and 1-year extension of expiring tax provisions; that following that vote there be 1 hour for debate on Senator BAUCUS's amendment providing for a 1-year AMT patch and a 2-year extension of expiring tax provisions with the cost of the expiring tax provisions offset; that each amendment vote would require 60 votes in the affirmative; that following those votes, if an amendment is agreed to, the bill be read a third time and the Senate vote immediately, without any intervening action or debate, on final passage of the bill. If neither amendment achieves 60 votes and cloture is not invoked on the bill, then the bill be returned to the calendar; if cloture is invoked on the bill, then the Senate proceed to complete action on the bill under the provisions of rule XXII.

Mr. MCCONNELL. Reserving the right to object.

Ms. LANDRIEU. Reserving the right to object.

Mr. MCCONNELL. I know Senators GRASSLEY and BAUCUS are here to discuss this issue. I believe the majority leader knows I am going to be offering another alternative consent agreement to his here momentarily. I ask we both be allowed to do our respective consent agreements and then let others discuss the AMT.

Bearing that in mind, Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. Mr. President, Senate Republicans have time and time again voted to reform and repeal the alternative minimum tax, a stealth tax that was promulgated in 1969 to ensure some 155 wealthy Americans paid at least some level of Federal tax but which today threatens to entrap more than 20 million American taxpayers this year alone.

I know the majority leader shares my desire to fix the alternative minimum tax and to extend other expiring tax provisions later this year. In fact, as the IRS has told us, the inexplicable inaction at this point has already the potential to wreak havoc on the tax-filing season. I have been encouraging my colleagues on the other side of the aisle to work with us to do this for quite some time.

So both my friend, the majority leader, and I know this is an issue that must be addressed. That is common ground, and that is good. But let's be clear. Republicans want to extend the alternative minimum tax patch and expiring tax provisions without increasing taxes on other Americans. Furthermore, we want to protect 90 million American taxpayers, including small business owners, from a massive tax increase that will soon take effect if Congress does not act to extend rate reductions contained in the tax relief measures we passed in 2001 and 2003.

I would suggest that there are fundamental differences of opinion between the two parties on tax policy. This is not a surprise; we all know this. And it is a debate we have been having for years. But on this there is much we can agree on. Let's begin with a base bill that accomplishes what is noncontroversial, what we mutually agree upon; that is, extending the AMT patch for 1 year and extending expiring tax provisions for 2 years.

In view of the differences between the parties on tax increases, let's allow two amendments per side to be in order, each of our own choosing. I can tell you now that our amendments will be focused on ensuring tens of millions of Americans do not face tax increases. While I would not presume to tell my friend, the majority leader, what amendments his side should offer, I would suggest it would be an excellent opportunity for him to offer the tax increases that are included in the Baucus proposal and the Rangel AMT bill as passed by the House as the other. Since we object to the majority's efforts to increase taxes, as they apparently will object to our efforts to extend tax relief, let's require that all amendments be subjected to a 60-vote hurdle.

In summary, I propose we start with common ground and say controversial pay-fors and add-ons must get 60 votes.

Therefore, I ask unanimous consent that the majority leader, with the concurrence of the Republican leader, may turn to the consideration of H.R. 3996; provided further that there then be a substitute amendment in order, the text of which is the 1-year alternative minimum tax fix with a 2-year extenders package without the tax-raising offsets; I further ask unanimous consent that each side be allocated four tax-related amendments to be offered to the substitute, and that each amendment under this order and passage of the underlying bill require 60 votes for adoption or passage as the case may be.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, during the past 7 years, we have had an interesting financial program in this country led by President Bush; that is, spend whatever you want, just use a credit card. That is, he wants new programs. He has had plenty. Just write out one of the IOUs that came from the credit card. Or if you want to reduce taxes, do not pay for it, just call for the credit card, which it seems the limit on that never runs out, just more and more.

When this man, this man, President Bush, took office, there was a $7 trillion surplus over 10 years. Now there is a deficit of $9 trillion. That is what the Bush fiscal policy has done to this country.

We in this Democratic-controlled Congress believe things should be paid for. We have done that working with the House on everything. We believe we are going to do our very best to do it on this legislation.

But I would suggest to my friend that one of the requests I had is that we vote on—have every opportunity to vote on—what the House sent us.

But without belaboring the point, I think we have two different ways of how this Government should run. One should be on a pay-go basis. If you want to increase spending, you pay for it. If you want to cut taxes, pay for that. For 7 years the Republicans have not agreed with that. As a result of that, we find ourselves in a difficult situation. So I respectfully object to my friend's request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I regret that the Republican side has objected to the request offered by the majority leader. But I am very pleased, frankly, with the objection by the majority leader to the minority leader.

The ACTING PRESIDENT pro tempore. If the Senator from Montana would suspend for just a moment.

Under the previous order, the Senator from Louisiana and the Senator from Minnesota had the floor for a few minutes before the leadership.

Mr. BAUCUS. Mr. President, if I might ask my colleagues to indulge me a little because this is an important subject on the issue at hand. I ask their indulgence for 5 minutes.

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

Mr. BAUCUS. I thank my friends. Mr. President, the goal is to try to fix the alternative minimum tax and to try to get these tax extenders passed. The goal is not to relitigate the 2001 and 2003 tax cuts, which I think would be the subject of the amendments that the minority side would offer if their consent requests were granted. We are not here to relitigate that; we are here to figure out some way to make sure this Congress allows the alternative minimum tax patch to pass so Americans do not have to pay an alternative minimum tax for tax year 2007, which is the goal.

I am very disappointed, frankly, that we are not allowed to get to that point because the other side objected to the request offered by the majority leader to set up a series of votes which would enable us to get to that point—namely, where this body could pass the legislation, probably an amendment by Senator GRASSLEY and myself—which would accomplish most of the objectives by the other side; namely, dealing with the alternative minimum tax, not paid for, but pay for the extenders.

That would have been the third vote if we were to get there; that is, if the

minority party allowed us to get there. But, apparently, they do not care about that. Apparently, they do not care about the alternative minimum tax. Apparently, they want to relitigate the 2001 tax cuts, the 2003 tax cuts, to have it extended with mischievous amendments.

I remind my colleagues we are here today because back in 1969, Congress passed the alternative minimum tax because so many wealthy taxpayers were not paying any taxes. So we passed AMT. But we made a mistake, frankly; we did not index it. And lo and behold, after all of these years, now taxpayers between $100,000, $200,000, $300,000 of income, many of them are going to have to pay the alternative minimum tax very soon.

But, ironically, it is the most wealthy taxpayers in America who are not affected by the alternative minimum tax. It does not hit them. It does not affect them. It does not affect the most wealthy. It just affects those with incomes between, say, $100,000 and $200,000 in income.

Why does it not affect the most wealthy? Because on the alternative minimum tax, the capital gains rates are not the alternative minimum tax rates, rather the capital gains rates under the AMT are the regular capital gains rates, and most wealthy people get most of their income paying capital gains taxes because their income is passive rather than ordinary income.

So it is a bad provision, the AMT, and we have to fix it. And mark my words, we are going to try to find a way to fix it because it has to be fixed. I am very disappointed, frankly, that the other side would not let us fix it now. It is important we fix it now because the IRS is going to send out forms. The programmers who do the programming for the Tax Code, for the tax provisions in the Tax Code, have to get the right programs out to the American people.

If we dally, if we wait—it looks as if now we are going to wait until certainly after Thanksgiving. It looks as if probably we have to wait to the end of the year. Who knows when? Maybe the day before Christmas. That is not the way to do business. So we will find a time. We can bring up legislation to make sure there is a so-called AMT patch, that we do not have AMT affect taxpayers for this year. And we also have to bring up these so-called extender provisions.

I think we should pay for those extenders. But we may not be paying for the AMT, and that was going to be the third amendment that was going to be offered today so we can get moving. But I guess that is going to come up another day. I am very disappointed we are not there.

Mr. President, the journalist Norman Cousins once said: ''Wisdom consists of the anticipation of consequences.''

By this or any measure, the alternative minimum tax is the most unwise of policy. Congress plainly did not anticipate the AMT's consequences. And the wise course now is plainly to stop it from increasing the taxes of millions of Americans.

The Tax Reform Act of 1969 created the AMT. Congress saw that under the tax code of that time, 155 high-income households took advantage of so many tax benefits that they owed little or no income tax. So Congress responded with the AMT.

But Congress did not anticipate the consequences. Notably, Congress failed to index the AMT for inflation. And now an increasing number of middle-income Americans are finding themselves subject to this tax.

Now, the AMT punishes people for having children. The AMT punishes people for paying high State taxes. And the AMT punishes people with complexity.

And many taxpayers who owe the AMT do not realize it until they prepare their returns. Worse yet, many do not realize it until they get a letter from the IRS. Many never see it coming.

Listen to what the Congressional Budget Office has reported:

> [I]f nothing is changed, one in five taxpayers will have AMT liability and nearly every married taxpayer with income between $100,000 and $500,000 will owe the alternative tax.

But oddly enough, the AMT would have less effect on households higher up the income scale. Surely these are not the consequences that Congress intended.

Protecting working families from the alternative minimum tax is my top tax priority this year. And it remains my goal to repeal AMT altogether.

We could do something about it, today. We have a chance to anticipate the consequences, today. We could enact wiser policy, today.

Last week, the House passed the bill that was the subject of the unanimous consent request that the Leader just made. It would protect more than 23 million families from a tax increase this year under the AMT. It would extend a number of important tax cuts for research, college expenses, and other priorities. And it is paid for. It is fiscally responsible.

Under the unanimous consent agreement just propounded, the Senate could have acted. If we had agreed to this unanimous consent request, we could have prevented the AMT from wielding its unintended consequences 1 more year.

I'm disappointed that the Senate did not consent to consider this bill today. But I am not sorry for choosing to protect taxpayers from the AMT, even at some cost. Too many folks are at risk of an unfair tax increase, if Congress fails to act on the AMT.

Provisions like the college tuition deduction, State and local sales tax relief, and the research and development tax credit are also in this bill. Those provisions make a real difference for America's families and businesses. I am disappointed that we were not able to extend these expiring provisions. People deserve greater certainty about their tax relief.

Now I don't support all of the provisions in the House bill. I would not have written it this way. There are certain targeted provisions that are not strictly extenders that I would not have put in the bill. There are some offsets that I would not have used or that I would write differently.

But I do support tax relief. And I support fiscal responsibility. And this was our chance to both ensure tax relief for 23 million Americans and also to avoid saddling our children and grandchildren with debt.

Mr. President, many of my colleagues have insisted that we pay for extending the Children's Health Insurance Program. Many have insisted that we pay for extending the farm bill. And many have insisted that we pay for preventing cuts to doctors under Medicare.

Well, if paying-as-you-go is good enough for children's health, if it is good enough for America's farmers, and if it is good enough for Medicare, then it ought to be good enough for tax cuts, too.

So I regret that there has been objection to considering the House-passed AMT bill. I regret that those who are objecting have prevented us from saving 23 million Americans from the unintended consequences of the AMT. And I regret that those who are objecting have prevented us from moving forward to enact wiser tax policy.

NATIONAL ADOPTION DAY

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I take the opportunity to turn this body to the attention of a matter that has bipartisan support that will bring us together. There are some very contentious and challenging issues that we have to deal with, but what I am going to talk about now in the moments I have is something that is not a Democratic or Republican issue. It is an issue that concerns all of us.

It was the poet Carl Sandburg who said: Each young child is God's opinion that the world should go on. In our busyness and preoccupation that we have with the affairs of state, we should remember there is probably nothing more important to the future than making life better for a child, something we all agree with.

I am talking on the floor today to share a simple way we can all do that in the Senate and in the country. I am pleased to have the opportunity to join my colleague from Louisiana, Senator LANDRIEU, in supporting a resolution to recognize National Adoption Day, which is coming up this Saturday, November 17.

I would say my colleague from Louisiana brings not only the passion and the intellect to this issue, but she brings a lot of heart to the issue. And I think that is most powerful. I applaud her for her leadership. It is a

pleasure to work with her on issues of adoption.

National Adoption Day is an annual series of events designed to draw attention to this crucially important social service of uniting kids who need loving families and families who need kids to share their love. Adoption is one of the greatest win-wins because it fulfills two of the greatest needs of human kind: receiving and giving love. Adoption, since it involves the welfare of the vulnerable children, is a process that must be handled with care. The challenge is not to make it so legalistic and bureaucratically demanding that it keeps needy kids apart from worthy families.

Many legal professionals and nonprofit agencies put in countless hours to facilitate adoption. This is a day to thank them for their efforts and focus our attention as a society on what we can do to create greater opportunities for adoption.

Last year, for the first time, National Adoption Day was celebrated in all 50 States, the District of Columbia, and Puerto Rico. In total, more than 300 events were held throughout the country to finalize the adoptions of more than 3,300 children in foster care and to celebrate all families that adopt.

This year, the partners are anticipating an even greater number of finalized adoptions as a greater number of cities and communities participate in NAD events.

This Saturday, hundreds of volunteer lawyers, foster care professionals, child advocates, and local judges will come together to celebrate adoptions and to draw much needed attention to the 114,000 children in foster care still in need of adoptive homes.

I am thankful my friend from Louisiana showed us the faces of those kids so we understand it is flesh and blood that we are dealing with.

I would like to encourage my colleagues in this Chamber to invest more of their time and effort into this special area of constituent service throughout the year. Each December, my staff and I hold a party in Minnesota to gather and celebrate all of the families, Minnesota families, that we have assisted in adoption. It is the most joyous event that I participate in. The expressions of love and gratitude are simply overwhelming.

One by one, as I see the kids and imagine the circumstances they have come out of to the place where they have found a home, it makes all of the frustrating and seemingly futile hours of this job just melt away.

I also thank my colleagues for their support earlier this year in a provision that Senator LANDRIEU and I championed to ensure adopted teenagers who seek an education were not forced to choose between a loving family and financial aid for college. Previously, youth who ''aged out'' of the foster care system qualified for virtually all loans and grants, while those who were adopted were essentially penalized in terms of college financial aid eligibility. Our measure simply amended the definition of ''independent student'' to include foster care youth who were adopted after their 13th birthday. This will ensure that a student does not see his or her financial aid eligibility decline as a result of being adopted.

Since taking office, I have taken great satisfaction in helping hundreds of families navigate the international adoption process. Many of my colleagues are aware of the potential crisis relating to the completion of over 3,000 adoptions between the United States and Guatemala.

Due to the implementation of the Hague Convention on Intercountry Adoption, which is an internal agreement intended to safeguard adopted children from trafficking, significant and necessary changes are taking place in adoption law in the United States and Guatemala.

The Government of Guatemala previously announced their nation will implement The Hague Convention standards as of January 1, 2008, and will require all adoption cases to meet those standards. This would have effectively stopped the processing of all adoption cases with non-Hague countries, including the United States. The United States is expected to complete Hague implementation this spring. However, in the meantime, it is imperative we work to ensure that families currently in the process of adopting have the ability to continue with that adoption. To highlight these concerns, 52 of my Senate colleagues joined with Senator LANDRIEU and me in sending a letter to the President of Guatemala encouraging an interim measure for pending adoption applications in Guatemala. This action by the Guatemalan Government will help ensure that orphaned children do not remain outside the care of a loving family for lengthy periods of time.

Additionally, I have been in close contact with the Department of State, the Guatemalan Government, and anxious Minnesota families as this issued progressed. The Guatemalan Government is currently debating provisions that would allow U.S. adoptions that are in process to continue, despite the implementation of The Hague Convention in Guatemala. I know that matter was being debated. I received a message from the State Department. Originally, I thought the measure was passed, and then I was told they hadn't. The State Department informs me there will be no action taken today, as it was not on the agenda, but both versions of the law are under consideration and do contain grandfather clauses that would protect the in-process cases. This bill apparently will be coming up next week. We have been in touch with the consular general, with the Ambassador. If no bill is passed, The Hague Convention will become effective on December 31. But we have assurances from senior Government officials responsible for implementation that pipeline cases will continue to be processed under the old system.

I will be traveling to Guatemala right after Thanksgiving in order to discuss these critical issues with key United States and Guatemalan officials. They have a new President-elect who was elected in November, President Colom. We will continue to work on this. I will not be traveling alone. Traveling with me will be countless stories of affectionate Minnesota families who are hoping to complete this process so they can receive and give love. I have also had the privilege of working with families on other international adoptions. Many are unaware of the devastating human tragedy of decades of unrest and civil war in Liberia. Recently, I had the honor to escort a new young Minnesotan, Miss Patience Carlson, adopted by a Chaska, MN, family to the White House to be in the Oval Office and to meet with the President. The Carlsons had been within days of completing the adoption of their soon-to-be daughter Patience—what a perfect name for this young lady—when violence broke out in Liberia. As rebel forces moved into Monrovia, the orphanage began to run low on supplies and the Carlsons became desperate to unite with their new daughter. It was an honor to work on their behalf with the U.S. Embassy in Liberia to help complete the adoption.

I have traded stories with Senator LANDRIEU about how we have both been in those situations. We said we are going to get the kids out of the war zones and do what has to be done. That is the passion she brings.

The Carlsons got to meet the President of the United States. I have often related the story about an event in northern Minnesota called the Great Think-Off. Scholars, religious leaders, and regular people gather together to debate the great issues of the day and search for a common solution. One year the question was: What is the ultimate meaning of life? After several days of long-winded attempts by great philosophers and professors and others, a young girl who had patiently waited her turn went up to the microphone and said: The ultimate meaning of life is to do permanent good. She sat down and the meeting was adjourned.

Adoption is such a permanent good. It changes the lives of kids who have been through more in their short lives than most people could handle in a lifetime. It changes the lives of parents and siblings who make room in their lives for another, through which they learn the more you love, the more love there is to give.

I urge my colleagues and those who read this record to find time to reflect on the importance of adoption, visit the Web site at www.nationaladoptionday.org, and find a way they can contribute in a small way to this unique social service that makes such an important difference in the lives of so many people.

I am grateful for the work that the partners of National Adoption Day do. The Congressional Coalition on Adoption Institute, the Alliance for Children's Rights; Children's Action Network, Casey Family Services, Dave Thomas Foundation for Adoption and the Freddie Mac Foundation have once again come together to provide resources, guidance and encouragement to the cities planning events this November.

In the end we all have a responsibility to make sure the world goes on and we do that every time we give a child access to the love every child needs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to conclude our presentation with a few wrap-up remarks. Before my colleague leaves the floor, I wish to say that orphans everywhere have found a bold, brave, and articulate champion on their behalf. I am so pleased that Senator COLEMAN has joined me as a co-chair of the Adoption Caucus to help lead the 213 Members of Congress who have joined our coalition. As the Senator pointed out, it seems that around this place adoption is the only issue on which we can all agree and work so well together. I don't know if it is a tribute to us or to the children who bring us together in a very special way. I thank him.

The States of Arizona, Hawaii, Iowa, Kentucky, North Carolina, Oklahoma, and Wyoming have more than quadrupled the number of public agency adoptions in their States. It takes a lot of effort, not only on what we do in Congress, but for Governors, legislators, caseworkers, social workers, and judges. I wish to call those States out today to thank them for their extraordinary work. All States are making progress, and we are happy with what the statistics will show. But those seven states are making special progress.

Secondly, we want to be sensitive in our movement, if you will, to the role of birth parents and to honor the choices that birth parents make to the process of making good decisions and creating good outcomes. Sometimes we focus a lot of attention on the adopted child and the adoptive family. I am not sure we spend enough time honoring the role of the birth parents who make this very brave and generous choice. I would like our Congress to be sensitive this coming year to what we can do to honor and highlight birth parents who also are part of that great triangle of adoption.

Finally, I urge our State Department to support adoption. I know they are preoccupied with many important, significant and grave issues, from international diplomacy to conducting wars, which are very important and consequential actions. However, our State Department has taken 7 years to implement the rules and changes required by the Intercountry Adoption Act of 2000 that Congress passed. Every day and every week and every month that these rules are delayed, there are literally thousands of children who die. Without these rules, we can't keep open the avenues of international adoption. I will say this to our critics—there aren't many, but there are a few—every time there is a bad story about someone, maybe an agency, maybe a lawyer, maybe a disreputable person—and you know there are many disreputable people in the world, unfortunately—who does something wrong, does not fill out a document correctly or does not go through the proper procedures, and there is a big scandal in international adoption. The whole system is shut down under the guise of trying to get the ethics right.

Nobody is more committed to ethics and adoption than the two of us. We work every day to make it transparent, make it relatively easy, reduce the challenges associated with it, and have it meet every law and cross every T. However, every time a bank is robbed in this country, we don't shut down the banking system. We go after the bank robber. We find them and put them in jail. The banking system stays open. Every day people cash checks and deposit money and take money out and make loans and keep this economy going. Every time we shut down adoptions from a country, millions of children die. That is the consequence of our action. We need to focus on the roots of the problem. We need to find solutions that address the problems and their causes, but which also meet the best needs of the children in that country. I want the State Department—and I hope they are listening—to understand that those of us in Congress understand about ethics. We understand about laws. We want things to be as appropriate and as legal as possible. When mistakes are made in a country, the answer is not to shut down the adoption of children from there. When we do this, we not only break the hearts of thousands of our constituents who are waiting to receive these children and believe they are doing God's will by taking in orphans who would die otherwise and have no one to care for them, we also hurt the children who we are trying to protect. Our State Department very callously brushes that aside. They are going to hear from us this year. They need to finalize the rules required by the law that we passed long ago. We need to continue our efforts to improve our system of international adoption. We have to get the State Department's attention. I intend to work with my colleagues to do so.

I thank the Senator from Minnesota. He will be traveling to Guatemala over the holidays, which is a great testament to his leadership and dedication to helping us do the right thing by the children of Guatemala. We pledge to this Congress to give the best leadership we can on an issue that we all can come together on. It is quite refreshing.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

IRAQ

Mr. MENENDEZ. Mr. President, more than 3,860 men and women of the American military have died in the war in Iraq. At last count, 21 were killed in November alone, and we are only halfway through. In the Senate, we are worried about getting out of work in time for Thanksgiving. In Iraq, they are worried about making it to Thanksgiving. As I speak today, more than 28,450 American soldiers have come home from Iraq with their lives changed forever by wounds, with missing arms and legs, with traumatic brain injuries that will forever alter how they cope with everyday life, with more cases of post-traumatic stress disorder than ever seen before, with life-altering blindness that cuts light from their lives forever.

As I speak, American taxpayers are footing a $455 billion bill for this war, with long-term estimates soaring well beyond $2 trillion. At the same time, children are going without health care. Students are being denied proper education. Our bridges are going without repair. Our borders are going without being completely secured, and we heard today of a case in which we still can't get our screening down pat to secure the possibility of someone bringing an explosive device into our airports. That is the legacy of the war in Iraq.

In the context of this set of grim statistics, while watching images on television of horrific explosions and bloody bodies, Americans were asked at the beginning of the year to accept a so-called surge of our troops into that country, an additional force that was supposed to provide the breathing room for the feuding political factions to achieve reconciliation. Those factions, of course, are Iraqi factions.

The Bush administration knew that peace could not be achieved solely militarily, that it had to be achieved politically. The administration unilaterally decided that more troops, more weapons, more military would make the political reconciliation happen. So we have to ask: What has been the result? Our men and women of the military have carried out their mission with unparalleled skill and bravery. They have sacrificed life and limb for their country. That is why we must ask these questions. Because they always respond, no questions asked. But it is our obligation to ask for them.

Through their excellent work, they have achieved results. But has it brought Iraq closer to a lasting peace? Has the political reconciliation—the very purpose of the additional troops—been achieved? Absolutely not. Absolutely not.

The front page of today's Washington Post paints a startling picture, a picture of the hard truth. Our generals—our generals on the ground—tell us

that a political settlement remains elusive. In fact, their concern over this failure is growing. Let me quote from this morning's article in the Washington Post:

> Senior military commanders here now portray the intransigence of Iraq's Shiite-dominated government as the key threat—

''As the key threat''—

> facing the U.S. effort in Iraq, rather than al-Qaeda terrorists, Sunni insurgents or Iranian-backed militias.

Let me read that again.

> Senior military commanders here—

U.S. military commanders—

> now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq, rather than al-Qaeda terrorists, Sunni insurgents or Iranian-backed militias.

So here we are, 6 months into the surge, with more troops in Iraq right now—175,000—than ever before, and the main purpose of adding these troops remains just an aspiration, well out of our reach.

So I ask my colleagues who supported the surge of troops, is this the result you envisioned? A situation in which dozens of Americans are still dying every month despite a reduction in violence? A situation in which the sons and daughters of America are more than ever acting as the police force—as the police force—in a country that remains volatile and deadly? A situation in which the people we need most to achieve stability—the leaders of the various Iraqi political factions—look at a never-ending American military presence in their country and see little reason to reconcile?

Are we going to remain in the middle of an internal struggle for power, as General Petraeus reported in September? I was shocked when General Petraeus had as part of his testimony that the main conflict in Iraq was a struggle for power and resources within the different factions of Iraqi society. Are we sending our sons and daughters to create the space for the Iraqi politicians to fight over power and resources? That is what we sent our sons and daughters for? That is why we keep them there? Is that what we bargained for?

We cannot accept the status quo in Iraq. When our military commanders say that, in fact, the biggest challenge to us is the intransigence of Iraqi leaders to come together, more so than al-Qaida, more so than Sunni insurgents, more so than Iranian influences, that is one incredible statement.

Things must change, and to change it will take strong action. It requires a choice: Do we stay the course when we know that peace and political stability cannot be achieved looking down the barrel of a gun? Military presence does not achieve political reconciliation. Remember, former General Pace of the Joint Chiefs of Staff said once: Well, we need the Iraqis to love their children more than they hate their neighbors. That is a powerful truism, but that does not come at the point of a rifle. That comes about through reconciliation. It comes through power sharing. It comes through revenue sharing. It comes through all of those things that, notwithstanding the arguments that we are creating the space for the Iraqi leadership to do, the Iraqi leadership has failed to do, and there is no movement in sight toward that goal. Or do we choose a course that impresses upon the political leaders in Iraq that they must reconcile and bring peace to their country swiftly?

We need to make them understand the true urgency of this task. We need to make them understand America will not always be there to play policeman. Instead of continuing to enable an endless and unchanging involvement in Iraq, we can set a timetable to begin bringing American troops back home. I believe that only then will we have the Iraqis understand that we are not there in an endless occupation, that they are going to have to make the hard choices for compromise, negotiations necessary to achieve a government of national unity on those issues of reconciliation, power sharing, revenue sharing, on the core issues that possibly can create the opportunity for a strong federal government in Iraq to survive. But as long as they believe we will stay there in an open-ended set of circumstances—shedding our blood and spending our national treasure—what is the urgency, the impetus for them to stop jostling over power, influence, and resources? Not only could we preserve the lives of countless American troops, not only could we save billions upon billions of taxpayer dollars, we also could make certain that the Iraqis know they will have to stand up to achieve the peace we all seek, the opportunities we would love to see for the Iraqi people, because until the Iraqi Government and military actually believe we will not be there forever, they will not actually take charge of their own country.

Transitioning our troops out of Iraq, that is what I choose. It is what the American people have continuously said they have chosen. It is what I urge my colleagues to choose. We have that opportunity coming tomorrow on the vote on bridge funding. That creates an opportunity to begin such a transition. I hope we will avail ourselves of that opportunity because if we have to read more and more of our generals saying that the intransigence of Iraq's Shiite-dominated Government is the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias, we are in deep trouble—we are in deep trouble.

We have to have an opportunity to change the course, and pride—pride—I hope is not the impediment for people recognizing that. We have lost too many lives already. We have spent an enormous amount of money. It is time for change. It is time for a change in course. It is time to make sure the Iraqis know they have to stand up for their own future, they have to make the hard decisions possible to have a government of national unity. That opportunity comes tomorrow for the Senate. I hope we will avail ourselves of it.

With that, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Mr. President, today we had a very interesting hearing where we had General Casey and Secretary Geren and others before the Armed Services Committee. I want to make sure that before we leave on this recess we have one more chance to talk about the significance of the McConnell-Stevens emergency supplemental appropriations bill. It is vital to our troops overseas, and it is important to the future of our Armed Forces.

As Senator MCCONNELL stated earlier today—and I am quoting now—he said:

> Because we have a responsibility to provide this funding to our men and women in uniform as they attempt to protect the American people, we need to get a clean troop funding bill to the President.

I would like to associate myself with these words and these remarks and also express my support for the supplemental he has sponsored.

The emergency supplemental offered by the Democrats, on the other hand, is the epitome of everything that is wrong with the 110th Congress. It is a bill we all know does not have the 60 votes needed to pass. This is not new to this Congress. We have had 61 votes related to Iraq measures; 29 of those votes were here in the Senate. If those on the other side of the aisle want to continue to play politics, now is not the time to do it.

The current war supplemental expires in 2 days—now, the reason I know that is true is that happens to be expiring on my birthday—which I hope I don't—and the Department of Defense will be required to start pulling from their nonwartime budget to pay for ongoing operations in Iraq and Afghanistan.

I understand that some of my colleagues want us out of Iraq regardless of what the facts on the ground may be, but not sending a clean supplemental bill to the President before we go home for the Thanksgiving recess is an absolute travesty. Forcing the Department of Defense to start reprogramming funds to keep our brave men and women fully equipped in Iraq and Afghanistan will jeopardize our efforts to maintain, sustain, and transform our Armed Forces, not to mention create an accounting nightmare. We went through this once before and we saw the trauma that resulted from it.

Deputy Secretary of Defense Gordon England, in a November 8 letter, stated

that a delay in war funding would force us in December to begin preparing to close facilities, laying off Department of Defense civilian employees, and delaying contracts. According to England, it would completely drain the Army's operations and maintenance accounts by the end of January, and the training of the Iraqi security forces will be delayed without this supplemental.

While fighting the war on terror, we cannot forget about our efforts to sustain and transform our Armed Forces. Pulling money away from such projects will cost us dividends in the future. We talked about that this morning, that we have a lot of things that are happening for our ground forces. We have the future combat systems we are involved in right now, and we cannot allow FCS to keep sliding as it does.

Other countries that are potential adversaries would be in a position actually to have better equipment than we do. A good case in point would be our best artillery piece happens to be called a Paladin. It is World War II technology. It is actually one where, after every round, you have to get out and swab the breech. People do not realize that. There is an assumption out there in America that America has the best of everything—the best strike vehicles, the best lift vehicles—and it is just not true. We do not. But this is one of the problems we will have if we do not continue to fund these efforts.

I have a hard time understanding why now, of all times, we would withhold funding for operations in Iraq and Afghanistan. Why now, when we are turning the corner in Iraq and our troops are making remarkable progress under the leadership of General Petraeus, would we hand the enemy off, tell them to lay low until December of 2008, and you can have the country then?

This proposed emergency supplemental by the Democrats sends the wrong message to our troops fighting in Iraq and in Afghanistan. It tells them: We will give you the funding to fight your war, but we don't believe in what you are doing.

I do not presume to speak for every American service man and woman fighting overseas, but I have met with a great many of them and have spoken with many of the families back home. It is kind of interesting that I have had the opportunity—and I say opportunity in a very sincere way—to have visited the area of responsibility of Iraq more than any other Member; actually, some 15 times, and I will be returning there in 2 more weeks. So when I talk about the military, these are the ones whom I have talked to on the ground. I watched Ramadi change from the al-Qaida declared capital to Iraqi control. That was a year ago right now when they declared Ramadi would become the terrorist capital of the world. I can remember Fallujah, when we were going from door to door, our marines, who were doing a great job. It is now completely secure, but not by Americans. It is secure by the Iraqi security forces.

I visited the Patrol Base Murray south of Baghdad and met with local Iraqis who came forward and established provisional units of neighborhood security volunteers. These individuals heard that the Americans were coming and were waiting to greet them when they arrived.

I watched these Neighborhood Watch and Concerned Citizens groups take root in Anbar Province—I think everyone realizes now that Anbar Province is kind of the success story over there—local civilians who were willing to take back their cities and their provinces. These citizens actually go out and paint circles around undetonated IEDs and RPGs, and it is something they are doing so we don't have to do it. Now in Iraq, in visiting the joint security stations, you see that our kids, instead of going back to the green zone in Baghdad, for example, go out and actually live with the Iraqi security forces and develop intimate relationships with them. When you see these operations take place, it is very gratifying.

We had the report yesterday up in 407 in a security environment about the successes in Iraq, and while that was a classified briefing, the information they gave is not classified. When you look, you can compare, as shown here—and I wish I had a chart so it could be shown—October of 2005, the Iraqi security forces had 1 division headquarters, 4 brigade headquarters, and 23 battalions they were leading in their own areas of responsibility. Now, 2 years later, in October of 2007, the Iraqi security forces have 10 division headquarters, 33 brigade headquarters, and 85 battalions. It shows that two-thirds of the entire area we have in Baghdad is now under control and under security. More than 67,000 Iraqis are serving as the concerned local citizens assisting coalitions and Iraqi security forces to secure their own neighborhoods.

Locals in Baghdad's east Rashid district are helping secure forces and locate IEDs. All of these things are going on right now.

I want to wind up. I know the majority leader has time he wants to share with us. But I have to say that Lieutenant General Odierno stated on November 1:

> Over the past four months, attacks and security incidents have continued to decline. This trend represents the longest continuous decline in attacks on record.

None of this is to say the war is over. We understand that. But I would have to say this: When I listened to my very good friend, the senior Senator from Massachusetts, talk about the doom and gloom, the facts that he cited just flat aren't true. We are winning. We are aggressively winning. Good things are happening. I have to say you don't get that from reading reports. You need to go over there and look for yourself.

The senior Senator from Massachusetts and I agree on a lot of things. He has been very active with me on doing something about the western Sahara problem. He is concerned about what Joseph Coney is doing in northern Uganda. We are together on a lot of things. But as far as Iraq is concerned, he has never made a trip—not one. I have been to A.O.R. 15 times. You have to go over there. I see it as our responsibility as Members of this Senate body. We are encouraged to go over by the military because this encourages our troops who are over there. When you go, they look at you in the eyes and they say: Why is it a lot of the American people don't agree with what we are doing over here? They know there were actually several terrorist training camps in Iraq prior to the time we were over there. In one they were teaching people how to hijack airplanes. All of those are closed down now. It has been a very significant thing. Nothing is more important than continuing along the lines of victory as we are today and finishing the job we have been carrying on in Iraq.

I applaud all of the young people over there. I said today in this hearing that I was a product of the draft and I always felt we would never be able to conduct this type of activity unless we had compulsory service. I have always supported compulsory service. But when I go over and I see these young volunteers, all of them total volunteers who are over there, the dedication they have, the commitment they have, I get very excited and I realize I was wrong. Those guys are doing a great job and we don't need to have compulsory service because we have great, dedicated Americans who are volunteering on a daily basis. The retention rates have never been higher than they are right now. Those individuals who come to the end of their term are reupping in numbers and in statistics we have never seen before. So good things are happening. We need to get this supplemental finished so we can have the continuity of funding over there and not have to rob other areas of our defense system. I am hoping we will be able to do this.

I thank you very much for the time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I appreciate my friend from Oklahoma yielding the floor. I appreciate it very much. He had the right to the floor and I hope he was able to complete his statement.

GOLDEN GAVEL

Mr. President, first, I want to recognize the Presiding Officer. One of the accolades that we are allowed, and certainly look forward to giving to the Members of the Senate, is for those people who preside over the Senate for 100 hours a year. My friend from Colorado has reached that pinnacle an hour or so ago. That is a tremendous accomplishment, 100 hours presiding over the

Senate. I congratulate my friend and look forward to the first time we get back after Thanksgiving recess on a caucus day where we make the presentation of the very fine golden gavel. As I have said before, it is a very nice presentation. You will be able, for many years to come, to talk to your children and grandchildren about presiding over the Senate for 100 hours in 1 year.

So thank you very much, I say to my friend from Colorado, who does an outstanding job not only presiding but being the Senator he is representing the people of Colorado.

TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT

Mr. President, it is interesting; one Republican Senator said, when we were trying to clear something earlier, to one of my Democratic friends, the reason they couldn't clear our appropriations bill, the Transportation appropriations bill is that they were told the situation with the Republicans is they don't want us to do anything, so they object to everything they can, and that is pretty obvious. So we were prevented from going to the Transportation appropriations bill. It was quite unique that in the time we were doing this the Senator from Minnesota was on the floor. He, above all others, should be weighing in and trying to help us get the Transportation appropriations bill passed. There is money in it to rebuild the bridge in Minnesota.

But we have something else that is vitally important: terrorism insurance. We are arriving at a point where construction cannot go forward. Now construction is already taking place—certainly it can—but construction projects that are on the drawing boards in a month or so will not be able to go forward because they can't get terrorism insurance because we have not provided it. We have been ready for some time to do that. There is a bill that has been cleared on our side that the Republicans are holding up—a bill dealing with the very foundation of this country—whether the business community in our country is going to have the benefit of terrorism insurance. Without that, it is a dramatic hit to what we need to do in this country for the business community.

I think it is unfortunate. We asked our staffs to check with the minority and they said no, they couldn't clear it; maybe tomorrow. Well, we have a lot of tomorrows around here that seem to never come. It would be a real shame if we could not clear tomorrow the terrorism insurance that is so extremely important to this country.

IRAQ

It was interesting to hear my friend from Oklahoma speak about the war in Iraq. But I would ask everyone to look at—and I am sure it is not only in this newspaper—a daily newspaper that I had the opportunity to read today, the Washington Post, the front page headline:

Iraqis Wasting An Opportunity. Brigadier General John F. Campbell, deputy commanding general of the 1st Cavalry Division, complained last week that Iraqi politicians appear out of touch with everyday citizens. ''The ministers, they don't get out. They don't know what the hell is going on on the ground.''

If you turn over to page 22, which is carrying this forward—and there are also some interesting things said in this article.

So how to force political change in Iraq without destabilizing the country further? ''I pity the guy who has to reconcile that tension,'' said Lieutenant Colonel Douglas Ollivant, the chief of planning for U.S. military operations in Baghdad whose tour ends next month.

Mr. President, the situation in Iraq is very desperate. This newspaper article says, among other things:

The Army officer who requested anonymity said that if the Iraqi government doesn't reach out, then for former Sunni insurgents ''it's game on—they're back to attacking again.''

We have supported the troops for the entire duration of this war. We are the ones who recognized that there wasn't body armor for our troops, that mothers and fathers and brothers and sisters and wives were writing personal checks to send armor to the valiant troops in Iraq. We are the ones who recognized that. We are the ones who did something about the situation we have at Walter Reed, which was a scandal, how our veterans were being taken care of, but the President wouldn't sign our bill: $4 billion more for these valiant men and women who are suffering from things that have never been suffered in any war ever before. It is a war that has never been fought before. It is a war where these men and women are subject to these phantom attacks, and when they go home after their tour or tours of duty end and they have all their limbs and they can see, they are not paralyzed, they haven't been shot, they still have to get over this post-traumatic stress syndrome, because they have seen their friends get killed or blown up and injured.

I think it is very important to talk about how good our soldiers are, and that is what my friend from Oklahoma is doing. We agree. We have to understand that Iraq is in a state of crisis. You can't have it both ways. The President said he needed these extra troops to get the political situation in tow in Iraq. He has gotten the troops and now he wants to keep them longer. The troops in Iraq now are—because there are some people who are coming home and some who have just gone over there—there are about 180,500 some troops are there now to be exact, right now in Iraq. We don't know how many contractors are there, but there are estimates of up to 150,000. How much longer, Mr. President? How much longer do the American taxpayers have to take care of a country that is the richest or the second richest oil country in the whole world? How much longer?

Yesterday we were told that Iraq has a balanced budget. Isn't that nice. I am glad they do. Why do we need to keep pouring money into them—$12 billion a month. Infrastructure. We have spent billions and billions of dollars on infrastructure in Iraq. How much are we spending here in America? Our President has to look beyond Iraq and look at America.

Earlier today my friend, the Senator from Wisconsin, Senator FEINGOLD, came and asked unanimous consent that we could move forward on the Feingold-Reid legislation, which, in effect, says we have to get our troops out of Iraq very quickly, except those who are there for counterterrorism, force stabilization, and limited training of Iraqis. We are a coequal branch of government. That is why we believe, Senator FEINGOLD and I, that after June 30 of next year, funds would only be used for the programs I have mentioned: counterterrorism, protecting our assets, and limiting training of Iraqis.

But in our legislation it is not a suggestion, not a goal, but binding policy. That legislation recognizes our strong national interest in Iraq and the Middle East, but brings to an end the rubberstamp and unwavering loyalty in a never-ending war which is the hallmark of the Republican-controlled Congress. That legislation fundamentally changes course in Iraq and this almost unimaginably high price that grows every day. And there are 4,000 dead Americans.

(Mr. SANDERS assumed the Chair.)

Mr. REID. Mr. President, I was talking about how unusual this war is. Twelve and a half percent of the wounded have eye injuries. I don't know how many we have lost track of because we don't have recent reports, but more than 35,000 have been injured, and 12½ percent of them have eye injuries. That is how this war is different than other wars in one way.

Last week, a young marine came to my office, 21 years old. He entered the Marines when he was 17. He came to my office with his wife and baby daughter. He had been on his second tour in Iraq. His legs were blown off. I said, ''What happened?'' He said, ''We went to a house where we thought there were some people doing some things that we needed to take a look at. We walked out and somebody detonated a bomb and blew me up.'' He said it had been difficult to adjust. He was holding his baby in the wheelchair. His wife was over his shoulder. Senator DURBIN was with me when we visited this young man. Senator DURBIN told me today in the cloakroom that he has trouble getting this image out of his mind. We all do. A 21-year-old hero, who will live the rest of his life with these debilitating wounds of war.

He is not the only one, as we know. As if the toll of lives and limbs were not enough, this war also costs billions from our Treasury. We were told by the Joint Economic Committee earlier this week that the war—with the $200 billion he requested—all borrowed money, with a credit card that has no expiration date and certainly no limit. And

that is only the direct costs. We were told by the Joint Economic Committee what the cost of extra borrowed money is doing to our energy policy in this country, and the other things they list is double that.

To this point the war has cost America $1.6 trillion. That is a lot of money. We are not just spending our money; we are maxing out on our children and grandchildren's credit cards. But perhaps the most dangerous cost of this war will be measured in the damages done to our Armed Forces' ability to protect and defend our country. Military readiness is at a 30-year low. Our flexibility to respond to emerging threats beyond the borders of Iraq is greatly hampered. I am not saying this, and the Presiding Officer, the Senator from Vermont, is not saying this; this comes from General Casey, the head general of the Army. He said:

> The current demand for our forces exceeds the sustainable supply. We are consumed with meeting the demands of the current fight, and are unable to provide ready forces as rapidly as necessary for other potential contingencies.

That is the lead general of the Army saying that. What is more, we have heard time and time again during the last few months what is happening with recruitment. I have to tell you, I am offended when I hear people from the Pentagon tell us ''we are meeting our recruiting goals.'' You can meet any goal if you keep lowering the standards. You don't need to be a high school graduate anymore. You can have a criminal record. Our military has been hit hard. Not only is recruitment not heading in the direction that I think is appropriate, but what is happening to our officers? These people who go to our military academies are the best and the brightest. I have the opportunity to select people—and I have for a long time—to go to these academies. The best and the brightest of Nevada go to these academies. They finish their mandatory term, and then they are quitting. We are 3,000 captains short right now, and it is going to get worse.

Mid-level officers are so hard to come by. We are doing everything we can to keep them. Huge amounts of money are being given to these people to have them stay in the military.

Let's not forget the cost of the war on the men and women in our National Guard and Reserve. These are men and women we need protecting us and responding to emergencies here at home. But we know, as was exemplified in the storm that hit Kansas, when the Governor said most of his National Guard is in Iraq and the equipment they have is ruined—that is the way it is all over the country. These citizen soldiers have already had 2 to 3 tours of duty of 12 to 18 months each.

Our men and women in uniform have performed more than admirably; they have performed heroically. But these troops—now more than 180,000—awake each morning on that foreign sand to face another day of risk they cannot predict, and the appreciation they get from the Iraqis is that we do everything we can to protect the Shia, the Sunni, and the Kurds, and they all try to kill us.

It is no wonder GEN Colin Powell said that ''the Army is about broken.'' He was being generous.

If Senators cannot find the courage to stand against the President's failed war policy, I fear GEN Colin Powell might be right. The cost of the war extends beyond Iraq. The whole Middle East has been destabilized. There is a civil war going on in Israel with the Palestinians. Lebanon—could we call that a civil war? It is not much of a stretch. They cannot even hold a Presidential election. Iran is basically thumbing their nose at the world, and we are standing by saber rattling with almost no diplomacy for Iran.

What is going on in Iraq? An intractable civil war that has become even more pronounced in recent weeks, when the Turks gathered 100,000 troops on the northern border of Iraq. The crisis in Pakistan exemplifies what is going on. We not only have trouble in the Middle East, but we have lost our moral standing throughout the world as a result of this. The Bush administration focused on a person and a country, and now we have the situation we have in Pakistan.

The border between Pakistan and Afghanistan has become less stable. Musharraf now seems intent on derailing the path toward democracy. Billions of dollars of American taxpayer money is not fully audited or accounted for. And perhaps as bad as any of this, bin Laden is still wandering around and sending, when he feels like it, a tape to us so we can look at that. He continues to make these tapes taunting us, and his al-Qaida network, according to the President's own intelligence, is regrouping and is stronger than ever.

Meanwhile, on the other side of the border, conditions in Afghanistan—once hailed as a victory—continue to unravel. Ten American soldiers were killed this week.

Now Afghanistan supplies 93 percent of the world's opium. This year is going to be another all-time high production year. The people of Afghanistan suffered through the most violent year since the U.S. intervention. This year, 2007, is the bloodiest year in the history of the war for American troops in Iraq. In Afghanistan, violent incidents are up 30 percent. There is a rapidly rising influx of foreign fighters, and there was a report this morning that the Taliban has vastly stepped up the number of improvised and suicide attacks.

We cannot send more troops there. Listen to what General Casey and General Powell said:

> Many costs of the war in Iraq have been quantified: American deaths, Americans wounded, trillions of dollars in taxpayers dollars.

The other costs are not easy to calculate. How long is it going to take to repair our military? The estimated dollar value is hundreds of billions of dollars. How many additional troops and dollars will it take to win in Afghanistan? How do you calculate that?

The risk is that the next national security threat becomes a national security disaster because we don't have the troops to take care of it. And all for a war that our troops are fighting harder to win than the Iraqi politicians, who, after months and months of our troop escalation, have failed to achieve any meaningful political benchmarks.

Now the Secretary of State is saying those benchmarks don't mean anything anymore. But they did at one time, and they do to the American people—$12 billion a month, and they have a balanced budget? Ours isn't balanced. They are doing infrastructure development there. We are not. They are building hospitals over there. We are not. So now in this war—soon to be in the sixth year—our troops are no safer, national security is no better protected, Iraq is no closer to reconciliation than in the fifth or the fourth or third years.

We must not forget that we sent our troops to Afghanistan following 9/11 to go after those who attacked us, break up terrorist cells, and stop future terror plans from becoming reality. Now, 6 years later, we have moved far away from that critical fight.

It is long past time to get our national security strategy back on track, and the only way to do that is to stand up to our President. It is our constitutional duty, and our moral responsibility, to do so.

I compliment my friend from Wisconsin for offering his effort today to move forward on the Feingold-Reid legislation. That is what we need to do—bring our troops home.

Mr. President, I am going to be here in the morning and I will talk about the bill we got from the House. I appreciate the work they did. It wasn't easy to get it over here. It is not nearly strong enough for me. I am going to support it. Earlier this week, we gave the President of the United States $470 billion for the troops. We were all happy to do that. He signed that bill and, on the same day, within minutes, he vetoed a bill for the American people—the Labor-HHS, a bill that takes care of some of the education needs of this country, a bill that allows medical research to go forward for dreaded diseases in this country. He said no. So many things for our communities were in that bill. He said no. But to Iraq, he says yes. Don't you think it is appropriate, I say to the American people and the Presiding Officer, that to this man, who wants an additional $470 billion, we say, OK, but we want some accountability? Don't the American people deserve accountability for a war that has already cost the taxpayers $800 billion directly, and twice that in indirect costs? I think so.

Mr. President, I ask unanimous consent that the pending motion to proceed be withdrawn.

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

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to H.R. 4156 and send a cloture motion to the desk and ask that once the motion is stated, the reading of the names be waived, and the motion to proceed be withdrawn.

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

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, 2008.

Carl Levin, Robert Menendez, Claire McCaskill, Robert P. Casey, Jr., Richard J. Durbin, Tom Carper, Amy Klobuchar, Daniel K. Akaka, Jack Reed, Patty Murray, Sherrod Brown, Frank R. Lautenberg, Charles E. Schumer, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived.

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

Mr. REID. Mr. President, let me say this: Tomorrow morning, the third vote in order is going to be a vote to invoke cloture on the farm bill. My friends on the other side of the aisle, my Republican friends, are near bringing this bill down. That is a shame. All those farm States out there—and there are lots of them—and all those farm communities—and there are lots of them—need to look to the Republicans for killing the farm bill. If they vote, and they should vote cloture to stop this silliness that has been going on now for 10 days, 11 days, they can still offer amendments. Once cloture is invoked, they have the 30 hours to offer amendments. We can enter into an agreement. If they want to spend a half hour on each amendment, 15 minutes to a side, whatever they want to do that is reasonable, but they have been unwilling to be reasonable. I guess they want, as I indicated earlier, the Democrats not to have an accomplishment. But the fault of the farm bill is at their feet. You don't have to look further than down at their feet. They are stopping an important piece of legislation, a bipartisan piece of legislation, and they are doing it for what I believe are very bad motives.

It is a shame. The American farm programs are good programs. This bill makes them better. Is this bill perfect? Of course not.

I went over the schedule with my staff as to what we can do in December. We don't have the luxury of spending a long time on this farm bill. We could if cloture is invoked. We could come back and finish this bill in a short period of time. If it is not invoked, we are going to be hard pressed to get the farm bill completed very soon.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Mr. President, tomorrow morning, the national debate on the war in Iraq will continue on the floor of the Senate. The debate has now reached the stage where we are talking about funding for the war. This war, in its fifth year, has claimed almost 3,900 of our best and bravest soldiers. Some 30,000 have been injured, more than 10,000 with amputations, burns, and traumatic brain injuries, serious injuries that they will struggle with for a long time.

Earlier this week, I watched a television documentary. James Gandolfini, who has been in many movies, television documentaries, and shows, interviewed disabled veterans. I believe it was titled ''Alive Day Memories.'' It was a story of how each of these disabled vets from Iraq recalled the day when they believed they had been killed and their lives lost but somehow survived miraculously. They are extraordinary stories of courage, emotional stories about what they went through, and heartbreaking stories about some of the injuries they brought home. They were victims of traumatic brain injury—a young man with a video showing him in his youth with all the strength and vitality one could ask for, now struggling from a wheelchair to speak and to look forward to a life where he can walk and be anywhere near normal; his mother by his side holding his hand to calm him when the emotions overcame him.

There were amputees talking about returning home. Many of them worried about whether they would be accepted. There were some wonderful, heartwarming stories of families who stood by them through this whole struggle and are with them even to this day.

There was a beautiful young woman who was a lieutenant in the Army in her mid-twenties, red hair, as pretty as can be. A rocket-propelled grenade went off right next to her. It blew off her right arm and right shoulder. She showed extraordinary bravery in talking about what she had been through and putting her life together, and then struggled for words when she talked about whether she would ever have a family, whether she would ever have a child who would look at her as a mother.

I watched that show and thought about my role as a Senator, and I thought about this war. I was 1 of 23 who voted against it in the Senate. It seems so long ago, 5 years. A vote that was at the time politically hard, but a vote that I never ever questioned or regretted.

Now 5 years later, here we are still—still—with these stories, this handful of stories we saw on the documentary just representing a small percentage of the heroism and suffering of this war.

I have had the opportunity to speak with this President directly about these men and women. I have talked with him about Eric Edmundson from North Carolina, a young man, a victim of traumatic brain injury who has become close to me through his family and visited with me just this last week in my office in Washington. I have seen his family up close, and I know the extraordinary love they have for their son and father of their granddaughter. The sacrifices they have made for him, his wife and baby daughter, are extraordinary.

We have a Capitol guide—I wish I knew his name, and I will make it a point of finding it out—who makes a special effort to offer tours late at night for disabled veterans from Walter Reed. I run into him in the corridors after everybody is gone, and it is dark outside. He is giving special, personalized tours to veterans and their families. He always stops and introduces them and asks if we will pose for a picture. Of course, it is the least we can do, and we agree to do it.

He came by last week to Senator HARRY REID's office and brought a young man from New Jersey. I believe his name was Ray. Ray had his young wife and beautiful little daughter with him, Kelsey. Kelsey was about 16 months old, 17 months old. She was running everywhere. She was just a bundle of energy and happy as could be, as her mother worried she might break something.

Ray was in a wheelchair. He had lost both of his legs and lost a few fingers on his left hand. He had served in Iraq. He came back and considered himself lucky. He talked about what he was going to do from this point forward. So many stories of bravery.

Tomorrow morning we will have a vote, and it will be our chance to speak as a Senate about this war. Some people will view it as just another routine vote, predictable outcome, and be on with their lives and head home for Thanksgiving. But for me, it is a chance, just a small chance, to return to a debate which I know consumes the hearts and minds of so many Americans.

I can't tell you how many people I run into, particularly the families of these soldiers, who want this war to

end. I want to, too. And tomorrow we will have a chance to do that.

Tomorrow we will have two votes. Senator MCCONNELL is going to try to move a spending bill which will provide $70 billion for this war in Iraq with no strings attached. He will hand over this money, if he has his way, to President Bush, and we know what the outcome would be. The war would continue unchanged until this President walks out of office January 20, 2009. That is unacceptable to me, and I think it is unacceptable to many in this Chamber.

We have to change this war. We have to start bringing these troops home. We have to tell the Iraqis: We have given you as much time as you could reasonably ask for to build your country and govern your country and defend your country.

This morning's Washington Post has a front-page headline: ''Iraqis Wasting An Opportunity, U.S. Officers Say.'' Wasting an opportunity. It is an opportunity created by the lives and blood of our soldiers, those who were there dying on the ground to give the Iraqis a chance, and our military leaders have said they are wasting an opportunity.

Brig. Gen. John F. Campbell, deputy commanding general of the 1st Cavalry Division, complained last week that Iraqi politicians appear out of touch with everyday citizens. ''The ministers, they don't get out,'' he said. ''They don't know what the hell is going on on the ground.'' Soldiers standing, fighting, and dying while these political ministers twiddle their thumbs and waste their time—that is unacceptable. I cannot imagine how we can continue to ask our soldiers to walk into that hell hole in Iraq and risk their lives and come home severely injured while these Iraqi politicians cannot do the most basic things to put their country together.

If Senator MCCONNELL has his way tomorrow, we will hand this President $70 billion and say: Mr. President, more of the same; just keep it coming. I will not be part of that.

There is a second choice. Senator HARRY REID, our Democratic majority leader, will offer a chance to provide $50 billion to this President with the understanding that within 30 days, American soldiers start coming home in a meaningful way, with a goal that by the end of next year, all of our combat forces will be out of Iraq. There will be some remaining. It would not be a complete cutoff, but they will be there for specific reasons—to fight counterterrorism and to protect America's remaining civilian and military personnel, to train the Iraqis with a limited responsibility because we put so much into this so far.

I think that is the reasonable way to go. That bill we will vote on will also say that the President cannot send military units overseas until they are combat ready unless he certifies they are combat ready or gives good reason why they do not have to be combat ready.

I have been there. I have talked with these soldiers. Fifteen months is too long. We had a briefing just the other day from one of the leaders in the Marine Corps. He conceded that point. Fifteen-month deployments are too long to maintain the morale, to maintain the readiness, to separate these soldiers from their families for 15 months. He said something that will stick with me.

He said: Can you imagine what goes through your mind when you are a soldier on the ground in Iraq at Christmas, realizing you are going to be there for another Christmas? That is what these soldiers are facing. That is what this President has put us into, a situation where we have pushed our brave men and women to the limit.

Oh, support our troops and love our soldiers. Well, I do. I want to support our troops by bringing them home as soon as possible in an orderly, responsible way. Not what Senator MCCONNELL wants: to let this President continue with 187,000 American soldiers currently on the ground and no end in sight. That is unacceptable.

Some will say it is just another vote and nobody will notice. Maybe that is so. But for those of us who believe very strongly this war needs to come to an end, tomorrow morning is an opportunity. I hope the American people who can follow this debate through C–SPAN, who can follow our votes by referencing Congress on the Internet, will take a look at that rollcall tomorrow morning and will judge which Senators from which States want to change this policy in Iraq and see this war come to an end. We will have our chance tomorrow morning. It is a chance we should not miss.

For all those brave men and women who have served us so well in Iraq and those who may be called tomorrow, we owe them a ''yes'' vote on the Reid cloture motion tomorrow, and I will be voting that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

THE FARM BILL

Mr. SALAZAR. Mr. President, I come here at 7:30 p.m. eastern time one more time to implore my colleagues, when we get to the cloture motion tomorrow on the 2007 farm bill, that we vote yes on that cloture motion. I fear if we do not move forward with that cloture motion on the farm bill tomorrow, there is a great possibility that the farm bill is, in fact, dead.

So many people have worked on this farm bill for such a long time—Senator HARKIN, who has led the effort as chairman of the committee; Senator CHAMBLISS, who has worked on this now for 3 years; Senator BAUCUS, who led the efforts in the Finance Committee with Senator GRASSLEY to provide a very robust package that is very important for the future of America. It is important that we move forward and we bring this matter to a close. The only way we are going to do that is if we get cloture tomorrow where people voted yes.

When we do that, what that will then set up is a postcloture timeframe where germane amendments can then be considered to the farm bill, and we can move forward through an orderly process to bring the farm bill to a just conclusion.

For me, what is at stake, when I think about the farmers and ranchers in the San Luis Valley, across the eastern plains of Colorado and Weld County and Adams County and across the western slope, is the future of family farmers and family ranchers, many of whom work much harder than anybody in Washington, DC, or in America; for those farmers and ranchers know the day does not end at 5 or 6 o'clock in the evening. For most farmers and ranchers, their day ends at 10, 11, 12 o'clock at night. Their day begins long before people go to work here in Washington, DC. Their day begins at 4 and 5 in the morning when they get up to tend to the cows or when they get up to make sure they are baling their alfalfa, with dew still on the leaves of their alfalfa so that they have a quality product at the end of the day. Those are the men and women who really are the salt of the earth of America.

Those are the men and women, when you shake their hands, you know they are the hands of working men and women because you feel the calluses and the cuts. These are the men and women who, after they have worked for an entire year, wonder whether they are going to have enough money to pay off their operating line at the bank. These are the men and women who know the weather better than anybody here in Washington, DC, will ever know the weather and will be able to understand the seasons and the days better than most people who stand here on this floor and debate about the issues of the farm policy because these are the men and women who know, when they see a cloud of a certain color coming in their direction, that there is a hailstorm on the way, and they wonder whether or not that hailstorm is going to hit their field or their neighbor's field. They wonder whether they are going to be able to have enough at the end of the day to pay their operating expenses or their mortgage at the bank.

So it is the farmers and ranchers of rural America in all our States, Democratic States and Republican States—South Dakota, the State of my good friend who served with us on the Agriculture Committee and has contributed mightily to the content of this bill. It is all of those men and women in farm country whom we owe this to, to move forward with a process that brings about a conclusion to this farm bill, that sets an orderly process for us to consider amendments, both Republican and Democratic amendments, so that we can bring this legislation to a close.

For me, it is personal because I know many of these people. Many of these people are my family. I spent a lot of my own time as an irrigator on a farm, on a Heston windrower, on John Deere tractors and John Deere balers. I spent

a lot of time on a horse. So I know what the life of a farmer and a rancher is all about. But this legislation on the farm bill, Mr. President, is much more to America than just about these farmers and ranchers. Yes, it is important to stand up for them and for them to have champions here on the floor of the Senate, both on the Democratic side as well as on the Republican side. That is why it should not be even close as an issue in terms of us getting to a 60-vote margin tomorrow. It ought to be done easily because we ought to be champions for these people.

But it is more than about the farmers and ranchers in America. It is about a lot of other things. It is about making sure we embrace the clean energy economy of the 21st century. Nowhere in America is there more excitement and enthusiasm than there is in rural America today about how rural America will help us pioneer our way to energy independence the same as with Brazil, a Third World country, through a 20-year dedication to the cause of energy independence, to become energy independent. There is no reason why we in America cannot do the same thing if we put our minds to it and we have the courage to put the right policies in place. And rural America will play a very significant role in creating that energy independence.

This legislation we have brought to the floor of the Senate from both committees, the Finance Committee as well as from the Agriculture Committee, makes a very significant step in the right direction of getting us off the addiction of foreign oil and opening a new opportunity for energy security for America. When I look at the issue of energy, yes, we will be debating and be having votes on the issue of Iraq tomorrow, but part of why we are involved in these issues in the Middle East is because of the fact that oil has been a driver in our foreign policy. We ought not to let that ever happen again in America. We ought not to let oil be a driver in our foreign policy.

So as we embrace this ethic of a clean energy economy for the 21st century, that is part of what is at the heart of the farm bill in title IX. As we look at dealing with the environmental security of our globe, of this planet, that also is at the heart of this legislation. When we look at creating a new economic opportunity, a new tomorrow for rural America, that is also in this legislation.

But it goes beyond energy. It also deals with nutrition. We need to keep reminding the people who are critical of this farm bill that they are wrong because they are aiming at the wrong parts. They aim at the 14 percent of the bill that creates the support, the safety net for farmers and ranchers who are out there in the fields, but we have to recognize that it is almost 67 percent of the money that is set forth in this bill that goes into all the nutrition programs. Those nutrition programs help our children make sure they have the food in their stomachs to be able to learn while they are in school. Those nutrition programs are the ones that help the most vulnerable here in America.

It goes beyond nutrition. It also deals with the issue of conservation and how we take care of our land and water. This bill is a very important step and makes a very important statement in making sure we help take care of the crown jewels of America with the best stewards of our land and water.

So if you are a champion of the farmers and ranchers of this country, you are going to vote yes on cloture on this bill tomorrow. If you are a champion for the new clean energy economy, you are going to vote yes on this cloture motion tomorrow. If you are a champion of taking care of those who are most in need, the most vulnerable in America in our nutrition programs, you are going to vote yes on this cloture motion tomorrow. If you are a champion and a fighter in protecting our land and water, then you will vote yes on this cloture motion tomorrow. Because it is only by getting to yes on this cloture motion tomorrow, with 60 votes, that we can then create the orderly process that can have us consider amendments that will improve this farm bill and get it across the finish line and then moving forward with the rest of the process to get it to the President's desk for signature.

Mr. President, tonight, I urge my colleagues to think about their vote tomorrow, and I ask them to vote yes on this very important motion that will come before us.

MORNING BUSINESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PASSAGE OF HEAD START CONFERENCE REPORT

Mr. REID. Mr. President, I am pleased to speak today about the conference report for the Improving Head Start for School Readiness Act of 2007.

I appreciate the efforts of Chairman KENNEDY, as well as Senators ENZI, DODD and ALEXANDER, for working together to lead this effort.

This bipartisan legislation reauthorizes the Head Start program, something the Congress has not done since 1998.

In 1965, President Johnson launched a summer program for low-income children and their families called Project Head Start.

The program's mission was simple: to prepare low-income, preschool-aged children for success in school.

Today, Head Start serves children and their families in urban and rural areas across the United States.

Since its inception, more than 20 million children and families have benefited from the Head Start program.

Nevada's eight centers range from a Head Start and Early Head Start Center in rural Ely, to larger, more urban centers in Reno and Las Vegas, to a Tribal Head Start center in Gardnerville.

Each of these programs is unique, because they focus on the needs of children and their families in the communities they serve.

Today, more than 40 years since its inception, Head Start provides comprehensive early education and health services to almost 1 million low-income preschool children to help them prepare for and succeed in school.

Unfortunately, this is only a fraction of the number of children that could benefit from Head Start services.

In Nevada alone, nearly 10,000 3- and 4-year-olds are eligible for Head Start programs. But, last year, only about one quarter of those eligible were able to participate.

This legislation will expand access and eligibility for low-income children and families, which will open the doors to Head Start to tens of thousands of children in Nevada and across America.

The bill also makes a number of other important changes to the Head Start program.

It gives children the tools they need to start school by aligning Head Start standards and services with State and local school standards and requiring new research-based standards and assessments.

And, to ensure that Head Start programs are serving children as effectively as possible, the bill requires greater accountability through improved governance and recompetition for poor performing Head Start centers.

Finally, the bill strengthens the Head Start workforce by setting new education and training goals for Head Start teachers and curriculum specialists.

With proven and lasting results, Head Start is a wise investment in our future.

I urge all of my colleagues to join me in supporting this important legislation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise to celebrate the passage of the Improving Head Start for School Readiness Act to reauthorize the Head Start program yesterday. This legislation is a great accomplishment for the Congress and improves opportunities for nearly a million young children and their families. Head Start represents our understanding that our children must be a top priority. While as children represent one quarter of our population, they represent 100 percent of our future.

I would like to thank Senators KENNEDY, ENZI and ALEXANDER for their

leadership on this bill and their strong bipartisan work to complete this conference report. I also commend Chairman MILLER and Ranking Member MCKEON in the House of Representatives and Congressmen KILDEE and CASTLE for their work on this reauthorization. Since 2003, the Senate HELP Committee and the House Education and Labor Committee have worked to reauthorize this legislation. As a result of more than four years of bipartisan efforts, the conference report we adopted yesterday improves and strengthens the already successful Head Start program. I am happy with the unanimous passage of the bill and look forward to its enactment into law.

Since 1965, Head Start has provided comprehensive early childhood development services to low-income children. The evidence is clear: Head Start works for the more than 900,000 children enrolled in its centers throughout the country.

This conference report bolsters the comprehensive nature of Head Start that aids in the social, emotional, physical and cognitive development of low-income preschool children. The program is successful because each center works to address the needs of its local community. Head Start is more than just a school readiness program; it addresses the comprehensive needs of children and their families by providing health and other services to enrolled children.

The role of parents as essential partners and decisionmakers in Head Start is also strengthened in this legislation. Families play the most important role in ensuring the success of their children, and our bill maintains an integral role for parents in the decision-making and day-to-day operations of the program. Parent involvement is a centerpiece of Head Start and I believe this bill strengthens their critical role.

Expanded eligibility, improved accountability, strengthened school readiness for children and enhanced teacher quality are some of the essential elements of this legislation. In addition, collaboration and coordination with other early childhood development programs and outreach to underserved populations is greatly improved. The legislation before us significantly increases resources for Indian Head Start and Migrant and Seasonal Head Start. In addition, Early Head Start is prioritized, so that thousands of additional infants and toddlers will be served. We know that major brain development occurs in the first 3 years of life and I am thrilled that we are putting research into practice by expanding Early Head Start.

The conference report will enable more low-income children to get a head start by allowing programs to serve families with incomes up to 130 percent of the poverty level, while ensuring that the most vulnerable families below the poverty level are served first. This is important for Connecticut and other States where the cost of living is especially high and many working poor families aren't able to access services because they earn just above the poverty level.

Although we do not go as far as I would personally like to see in funding for Head Start, we do authorize additional resources in this bill. Despite the tight budget situation, we authorize an increase of six percent from $6.9 billion to $7.35 billion in fiscal year 2008, to $7.65 billion in fiscal year 2009 and to $7.995 billion in fiscal year 2009. I continue to be gravely concerned about the lack of resources for Head Start—funding levels have been essentially flat since 2002. Currently, only half of eligible children are served in Head Start and fewer than 5 percent are served in Early Head Start. The increased funding authorized by this bill will help us to begin to close this gap.

Across the country, Head Start providers are reporting rising costs in transportation health care premiums, facilities maintenance and training for staff. Rising operating costs are coinciding with decreasing state, local and private contributions to Head Start programs. We address these needs by ensuring that all Head Start programs receive a cost of living increase, tied to inflation, each year that funds are available.

Research shows that child outcomes are directly related to the quality of the teachers and professionals who work with them on a daily basis. I am pleased that in the bill we establish strong educational standards for Head Start teachers, curriculum specialists and teacher assistants. In 6 years, all Head Start teachers will be required to have an associate's degree and 50 percent of teachers will be required to have a bachelor's degree. I will continue to work toward increased funding to assist teachers in pursuing additional educational goals.

When Head Start began more than 40 years ago, it was the only preschool program available for low-income children; now there are many approaches. Collaboration and coordination with other early childhood programs is also an essential piece of this Head Start bill, reducing duplication and encouraging opportunities for shared information and resources.

This legislation represents an important step forward and I welcome our continued focus on the needs of our Nation's children.●

SITING FUTUREGEN IN ILLINOIS

Mr. DURBIN. Mr. President, we are nearing an important milestone in the development of an ambitious project to develop new, environmentally friendly ways of using coal. FutureGen is a joint venture between the Department of Energy and an international, nonprofit consortium of coal producers and energy generators. The FutureGen project will explore the viability of capturing and sequestering carbon dioxide an unwanted by-product of coal use.

The plan is to begin facility construction for the project in 2010, with full-scale operation beginning in 2013. The plant will generate approximately 275 megawatts of electricity, which is enough to supply 150,000 homes.

The key to the FutureGen project, of course, is siting it at a location that can best meet the project's goals for carbon capture and sequestration. Right now four sites are under consideration, including Mattoon and Tuscola, IL. Those sites are ideally suited for this project. Illinois is coal country. Our State has 38 billion tons of recoverable bituminous coal reserves, the largest in the Nation. That's one-eighth of the total U.S. coal reserves, representing more energy than the oil reserves of Saudi Arabia and Kuwait combined.

The Illinois sites have an abundant and reliable supply of water. The deep, thick, undisturbed sandstone reservoirs of southern Illinois are well suited for carbon sequestration. Unlike the other sites being considered for FutureGen, Illinois shares geological features with other states likely to build new coal plants capable of carbon capture and sequestration. The experience gained, then, by siting this project in Illinois will be key to extending the technology to new coal-fired plants built in the U.S.

Other States recognize the merits of the Illinois FutureGen proposals. Indiana, Kentucky, Pennsylvania, and Wisconsin have each declared support for the Illinois sites, based on their superior geology and infrastructure compared to competing sites.

A decision on where to site the FutureGen project is around the corner, and it can't come too soon. Global warming is already marring the Earth. Global average surface temperatures are rising at an alarming rate. Cold days are fewer, and heat waves are more common. Mountain glaciers and ice caps are melting. The global average sea level is rising. Coastal regions are threatened. It is no exaggeration to say that global climate change is the most threatening environmental disaster we face.

Through it all, the world's top scientists have clearly advised that man-made greenhouse gases that trap the Sun's heat are a significant factor in this shift in the global climate. Of those greenhouse gases, carbon dioxide is by far the most important. Because of our reliance on fossil fuels for heating, power, and transportation, carbon dioxide levels in the atmosphere today are far greater than any seen in 650,000 years. And those levels are only growing.

In fact, the growth rate of carbon dioxide concentrations over the past 10 years is greater than at any point since we have been taking measurements. The problem will only grow worse as China, India, and others work to catch up economically to more developed countries. Much of that economic growth will be fueled by coal-fired powerplants.

The world is looking to the United States for leadership in finding solutions to carbon dioxide emissions. The U.S. Climate Change Science Program this week reported that the United States was responsible for 23 percent of the world's carbon dioxide emissions in 2003 that is more than 1.5 trillion metric tons.

Unless we stand up and face this problem head on, it is unimaginable that developing countries will be serious about curbing their emissions. And where does that carbon dioxide come from? Well, almost 40 percent comes from the combustion of coal for electricity.

Coal represents just about half of America's electricity production. It isn't going away anytime soon, especially as energy demands grow in the U.S. and the world. How can we balance these needs, then, for affordable, abundant energy supply and stewardship of the earth's environment? Technology may hold part of the solution. Carbon capture and sequestration is one possible option; it is a way to extract carbon dioxide from combustion gases and pump it underground for long-term storage to keep it out of the atmosphere. There is great potential for such technology in the United States, but it has not been demonstrated in a full, integrated facility.

That's where the FutureGen program comes in. In Illinois, we eagerly await word of the project's location. And we look forward to working with the Department of Energy and the private sector partners to explore the potential of this promising new technology.

As the world faces the interconnected prospects of economic expansion and devastating environmental catastrophe, we must search for technological options that will help lead us to a sustainable future. One promising possibility is the use of underground carbon sequestration to keep carbon dioxide out of the atmosphere while employing America's most abundant energy source: coal. FutureGen is a key step to testing that technology, and I am proud that Illinois is in a position to show America's responsible leadership to the world.

HONORING OUR ARMED FORCES

SPECIALIST ADRIAN HIKE

Mr. GRASSLEY. Mr. President, I have the responsibility to pay tribute to a soldier from my home State of Iowa who has fallen in the line of duty. SPC Adrian Hike was killed while serving his country in Afghanistan. He was assigned to A Troop, 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade.

My prayers go out to his mother and father in Iowa and all his family and friends. I understand that his loss has come as a shock to those living in and around Sac City where Adrian attended high school. I know that many Iowans will be saddened to learn of his fate.

At the same time, we can be very proud to call him a fellow Iowan. Specialist Hike was wounded in Iraq, receiving the Purple Heart. After several surgeries, he returned to duty and was even talking about reenlisting. This kind of selfless dedication to our Armed Forces and our country is what has kept us free since the founding of our Nation.

Adrian Hike's honorable service and tremendous sacrifice on behalf of the United States of America should never be forgotten. His was a true patriot and deserves to be remembered as such.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT

Mrs. FEINSTEIN. Mr. President, I rise today to thank all of my colleagues for their support in extending the highly successful breast cancer research stamp for 4 additional years.

This bill has the strong bipartisan support of Senator HUTCHISON and 61 other Senators from both sides of the aisle.

Without congressional action, this extraordinary stamp is set to expire on December 31 of this year, and it deserves to be extended.

This legislation would: Permit the sale of the breast cancer research stamp for 4 more years—until December 31, 2011; allow the stamp to continue to have a surcharge above the value of a first-class stamp with the surplus revenues going to breast cancer research programs at the National Institutes of Health and the Department of Defense, and not affect any other semipostal proposals under consideration by the U.S. Postal Service.

A recent report by the Government Accountability Office, GAO, released just last month, confirms that the breast cancer research stamp continues to be an effective fundraiser in the effort to increase funds to fight the disease.

Since the stamp first went on sale 9 years ago, over 790 million breast cancer research stamps have been sold by the U.S. Postal Service—raising $57.8 million for breast cancer research.

These dollars have led to significant advances in the treatment of breast cancer through research at the National Institutes of Health, NIH, which receives 70 percent of the stamp's proceeds, and at the Department of Defense, DOD, which receives the remaining 30 percent of the proceeds.

For example, the GAO reported that: In 2006, NIH began to use the stamp's proceeds for a new program called the Trial Assigning Individualized Options for Treatment to help determine which breast cancer patients are most likely to benefit from chemotherapy. Dr. Susan Neuhausen at the University of California used an NIH award that has led to many insights into breast cancer risks—using both genetic and environmental data to further define the breast and ovarian cancer risk for individuals with a specific genetic mutation. Dr. Archbald Perkins at Yale University used a Department of Defense award to do research to help with the prognosis of some breast cancers by using new techniques to identify novel genes involved in cancer.

In addition to raising much needed funds for breast cancer research, this wonderful stamp has also focused public awareness on this devastating disease, and it is just as necessary today as ever.

About 3 million women in the United States are living with breast cancer, 1 million of whom have yet to be diagnosed. This year alone, about 178,480 new cases of breast cancer will be diagnosed among American women. And one out of every 8 women nationwide will get breast cancer in her lifetime, with the disease claiming another woman's life every 13 minutes.

Extending the life of this remarkable stamp is crucial. With the sale of the breast cancer research stamp, every dollar we continue to raise will provide hope to breast cancer survivors and will help save lives until a cure is found.

Again, I thank my colleagues for supporting this important legislation.

TERRORISM REINSURANCE ACT EXTENSION

Mr. ALLARD. Mr. President, I would like to address extension of the Terrorism Risk Insurance Program or TRIA. I am strongly reminded of the words of the great economist Milton Friedman: ''Nothing is so permanent as a temporary government program.''

I remember quite clearly when the insurance industry requested a temporary Federal backstop after the terrorist attacks of September 11, 2001. I cannot stress the word temporary strongly enough in this context. Industry witnesses testified before the Banking Committee that they only needed a temporary program in order to give the private markets time to adjust. I was also promised in private meetings that the program would only be temporary. Insurance industry representatives told me repeatedly that they would not come back to seek an extension of the program.

I was quite clear in expressing my disappointment with them when shortly after implementation of the program they began advocating for an extension. I very reluctantly supported the last extension because I believed it made progress in forcing the private sector to step up to the plate. I am here today, though, to say enough. I intend to hold the insurance industry accountable for their pledge of a temporary program by opposing the TRIA reauthorization bill.

I regret that those who utilize insurance are caught in the middle. Unfortunately, there doesn't seem to be another way to spur insurance industry action to address this problem. Unless they are forced to come up with solutions, they will simply continue to rely on the Federal Government.

It is a shame that some consider it ''the best we can do'' to avoid massively expanding a ''temporary'' government program. I believe we can do better; we can hold people to their word and say enough is enough.

LEBANON

Mr. BROWNBACK. Mr. President, every so often a defining moment arrives, capable of dramatically altering the future of a Nation and its people. The country of Lebanon, which will hold its Presidential elections as soon as November 21, is on the brink of one of these moments.

Lebanon is a country whose vision for a socially rich, prosperous, and democratic future could serve as a model for what we hope to see in the Middle East region. Yet in spite of the courageous and unwavering will of the Lebanese people, extremist forces led by Syria, Iran, and terrorist groups—primarily Hezbollah—conspire to undermine the democratic majority in Lebanon and remake the country in their own oppressive image.

Ever since Lebanon's Cedar Revolution in 2005, when a third of the Lebanese people flooded the streets in peaceful protest against Syria's foreign domination, Lebanon has struggled to remain on the path to peace and democracy.

The cultural and media capital of the Arab world, Lebanon is comprised of a uniquely rich social and religious fabric where Christians, Sunnis, and Shias live in relative harmony. Polling data from Lebanon indicates that the majority of the Lebanese people desire an independent and stable country, free from Syrian and Iranian influence. They want the militias, including Hezbollah, disarmed, and they want an international tribunal to investigate the assassinations of Rafiq Hariri and other members of their Parliament.

On November 21, the Lebanese Parliament is scheduled to meet to elect the country's next President, an event which will serve as a harbinger for the future of independence and democracy in the Middle East. The stakes could not be higher—a fact that has not been lost on Syria and Iran and that certainly must not be lost on us.

Desperate to regain its lost foothold in Lebanon, Syria has adopted the macabre strategy of systematically assassinating members of the March 14th parliamentary majority, the embodiment of the Cedar Revolution's ideals. This tactic is designed to ensure the election of a President sympathetic to Syrian hegemony. As the election date approaches, Lebanon's prodemocracy members of Parliament have been forced to enter complete seclusion in Beirut's Phoenicia Hotel. They cannot go outside, or even look out of windows, for fear of a sniper's bullet.

If we are committed to ensuring a free and democratic future for the Middle East, safe from terror and extremism, we must not remain silent or passive about the need to ensure that the constitutional Presidential election process in Lebanon remains untainted by foreign meddling and coercion by terrorist groups like Hezbollah. We must be unequivocally clear in our support for our March 14 allies in Lebanon.

I commend Secretary of State Rice for her recent statement that ''any candidate for president or any president [of Lebanon] needs to be committed to Lebanon's sovereignty and independence, needs to be committed to resolutions that Lebanon has signed on to . . . and needs to be committed to carrying on the tribunal.'' I also strongly agree when she says that ''the March 14 majority should not be put in a position of having to accept either extra-constitutional measures or measures that would undermine the program that they stand for.''

In light of the precarious situation in Lebanon, we must ensure that the United States will not support anything less than the untainted election of a constitutionally legitimate President in Lebanon.

We must make clear to the regimes in Syria and Iran, in no uncertain terms, that the United States will not support a puppet President that seeks to thwart the will of the Lebanese people, nor will the United States remain silent in the face of the spread of militant Islamic extremism.

We must not allow Lebanon to be dragged back into chaos and war. Lebanon's enemies should understand that we are fully dedicated to Lebanon's future as a model for independent and sovereign democracy in the Middle East. We cannot abandon the Lebanese people and our shared ideals at this critical moment. The stakes are simply too high—for Lebanon, for the Middle East, and for us.

TODAY'S ARMS RACE

Mr. LEVIN. Mr. President, the danger involved in combating crime in our Nation is escalating. Police departments across the country are being forced into a dangerous arms race with criminals and gangs. Increasingly confronted with assault rifles capable of firing up to 600 rounds per minute, law enforcement officers have been forced to carry military-style arms in order to counter such criminal firearm supremacy.

Recently, tensions have increased throughout south Florida's police departments after three Miami-Dade police officers were wounded and another killed by a man using an assault weapon. In a recent interview with CNN, Sergeant Laurie Pfeil, who supervises a sheriff's road patrol in Palm Beach County, stated that, ''It's not nice we have to arm ourselves like the soldiers in Iraq. We are like soldiers. It is a war.''

Over 60 police officers have been gunned down so far this year in the United States. According to Robert Tessaro, the associate director for law enforcement relations for the Brady Campaign to Prevent Gun Violence, we are currently on pace to set an alltime high. ''We're having more than one officer shot and killed a week. It's just outrageous that officers are being targeted. It's something all Americans should be outraged about.'' Like many others, he lays the blame for this increase on the expiration of the assault weapons ban.

''It's different now. It's shootings on a weekly basis. Ten years ago, that just didn't happen. They don't get out and run from us anymore. They stop, and they're shooting at us,'' Sergeant Pfeil went on to say. ''They don't have .38s anymore. They have AK–47s . . . They have automatic weapons now.''

Miami Chief of Police John Timoney said he began noticing a significant increase in the use of automatic weapons used in crimes dating from the time the assault weapons ban was permitted to lapse. This increase includes an 18 percent increase last year and 20 percent increase this year.

The 1994 assault weapons ban prohibited the sale of 19 of the highest powered and most lethal firearms produced. Additionally, it prohibited the sale of semiautomatic weapons that incorporated a detachable magazine and two or more specific military features. These features included folding telescoping stocks, threaded muzzles or flash suppressors, protruding pistol grips, bayonet mounts, barrel shrouds, or grenade launchers.

I voted to establish the assault weapons ban, and 10 years later I joined a bipartisan majority of the Senate in voting to extend the ban for another 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate, neither President Bush nor the Republican congressional leadership acted to protect Americans from assault weapons like the one used in the attack on the Miami-Dade police officers. As a result, police officers across the country are being forced to counter previously banned military-style assault weapons.

This Congress, as in previous ones, I will once again cosponsor the reinstating the assault weapons ban. Congress must take up and pass this piece of sensible gun safety legislation to aid our law enforcement agencies and to help prevent such tragedies from occurring in the future.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

17TH ANNUAL COVENANT HOUSE CANDLELIGHT VIGIL FOR HOMELESS YOUTH

• Mrs. CLINTON. Mr. President, on November 15, 2007, Covenant House will mark their 17th annual Candlelight Vigil for Homeless Youth. This Vigil will bring together individuals from

more than 500 sites throughout North America to keep the light of hope burning for homeless youth. Covenant House provides quality, effective care for homeless and runaway youth and we are proud that our State of New York is home to Covenant House's headquarters.

Emergency health care, shelter, and treatment of the homeless in New York City cost an average of $40,000 per person each year, placing a staggering and unsustainable social and economic burden on State and local governments. Covenant House, the Nation's largest privately funded agency for homeless youth and young adults, is helping to relieve some of this burden by providing resident and non-resident services to nearly 66,000 youths in 2006 alone.

Covenant House has provided more than 1 million young people with the support necessary to transition from life on the streets to a life with a future. Covenant House uses successful programs and services—including counseling, transitional living programs, educational and vocational training, health services, and drug abuse treatment and prevention programs—that help transform the lives of these individuals at an early stage.

Still, more work needs to be done. As we speak, nearly 1.3 million children and young adults are homeless and living on the streets throughout our Nation, with roughly 5,000 of these youth dying from assault, illness, or suicide. The Candlelight Vigil for Homeless Youth will honor the memory of these young people who have died alone and anonymously while living on our streets and raise awareness about growing crisis of youth homelessness. As Sister Tricia, executive director of Covenant House, has said, ''The Vigil is for every kid who runs away, convinced they'll be safer on the street than at home, where they hope to escape abusive or dangerous environments. That's why we stand together with candles, to light their way to Covenant House, where they will be safe, treated with dignity and loved without condition.''

Many of the youth living and dying on our Nation's streets are former foster care children who have aged out of the system. Though they are too old for the foster care system, they are often too young and ill prepared for self-sufficient living without the assistance of a family or support system. Unemployment and a lack of education among these young people can lead to a life of poverty, crime, and drug abuse. The challenges facing young men and women today are overwhelming. For youth who are faced with a life on the streets, the need for a guiding light is often a matter of life and death.

The Covenant House has used successful programs to help transform the lives of these individuals at an early stage. Senator SCHUMER and I are pleased to stand with Covenant House as together we work to keep the light of hope burning bright for all of our young people.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VISIT OF THE JAPANESE PRIME MINISTER

● Mr. OBAMA. Mr. President, I rise to extend my welcome to Prime Minister Yasuo Fukuda of Japan, who is visiting Washington today.

Japan is a critical ally and friend of the United States. I believe our alliance is fundamental to a peaceful and prosperous Asia-Pacific region.

The Prime Minister's visit comes at an important time. It is crucial that our two countries maintain the positive momentum in our relationship and work closely together to accomplish shared goals, such as denuclearization of the Korean Peninsula, stability in South Asia, nonproliferation in Iran, and political reform in Burma. As a long-standing ally, we must consult closely and respect Japan's perspectives, even as we contemplate next steps in our negotiations with nations like North Korea.

Thousands of miles away from the Korean peninsula, we face the resurgence of the Taliban and al-Qaida in Afghanistan and in the border regions of Pakistan. We are all too familiar with the reports that suggest the Taliban and al-Qaida are gaining strength. We were reminded of this fact in an unsettling report in Tuesday's Washington Post, but the most troubling report of all was last July, when the declassified National Intelligence Estimate warned of a persistent and growing threat from a reconstituted al-Qaida sanctuary in northwest Pakistan.

It is therefore critical that the U.S. and its partners in the international community, including Japan, maintain our focus and operations in this region.

In particular, I wanted to extend to the Prime Minister my appreciation for the support that Japan's Self Defense Forces have offered U.S. operations in Afghanistan, and hope Japan's deployment of refueling tankers will quickly be reauthorized and be extended.

Our half century alliance with Japan remains vital, based on common values and shared interests. There is ample room for improved efforts to forge an even stronger and enduring global security partnership. I hope that Prime Minister Fukuda's visit will continue the progress toward that goal.●

ADDITIONAL STATEMENTS

IN RECOGNITION OF PROFESSORS OF THE YEAR

● Mr. ALLARD. Mr. President, I wish to congratulate the four national winners of the U.S. Professors of the Year Award. Since 1981, this program has saluted outstanding undergraduate instructors throughout the country. This year, a State Professor of the Year was also recognized in 40 States and the District of Columbia.

This award is recognized as one of the most prestigious honors bestowed upon a professor. To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Professors personally vested in each student shape the leaders of tomorrow. These individuals should be proud of their accomplishment.

I commend and thank all the winners for your leadership and passion for educating. No doubt you have inspired an untold number of students. I wish you the very best in all your endeavors. Congratulations and best regards.

The four national award winners are:

Outstanding Baccalaureate Colleges Professor of the Year: Glenn W. Ellis, associate professor of engineering, Smith College, Northampton, MA;

Outstanding Community Colleges Professor of the Year: Rosemary M. Karr, professor of mathematics, Collin County Community College, Plano, TX;

Outstanding Doctoral and Research Universities Professor of the Year: Christopher M. Sorensen, University Distinguished Professor of Physics, Kansas State University, Manhattan, KS;

Outstanding Master's Universities and Colleges Professor of the Year: Carlos G. Spaht, professor of mathematics, Louisiana State University in Shreveport, Shreveport, LA.

State winners are:

Alabama: Lawrence Davenport, professor of biology, Samford University;

Arizona: John M. Lynch, honors faculty fellow, Arizona State University;

Arkansas: Jay Barth, associate professor of politics, Hendrix College;

California: Andrew Fraknoi, professor of astronomy, Foothill College;

Colorado: Thomas G. McGuire, associate professor of English and fine arts, U.S. Air Force Academy;

Connecticut: Marc Zimmer, Kohn professor of chemistry, Connecticut College;

District of Columbia: Richard P. Tollo, associate professor of geology, the George Washington University;

Florida: Patrick K. Moore, public history program director and associate professor, University of West Florida;

Georgia: Linda Stallworth Williams, associate professor of English, North Georgia College & State University;

Idaho: Heidi Reeder, associate professor of communication, Boise State University;

Illinois: Steven A. Meyers, professor of psychology, Roosevelt University;

Indiana: Kristen L. Mauk, Kreft professor of nursing, Valparaiso University;

Iowa: Gail Romberger Nonnecke, professor of horticulture, Iowa State University;

Kansas: David Littrell, university distinguished professor of music, Kansas State University;

Kentucky: Carol Holzhausen Hunt, professor of English and women's studies, Bluegrass Community and Technical College;

Louisiana: Carol E. O'Neil, Peltier professor of dietetics, Louisiana State University and A&M College;

Maine: Robert A. Strong, university foundation professor of investment education, University of Maine;

Maryland: Ernest Bond, associate professor of education, Salisbury University;

Massachusetts: Robert L. Norton, professor of mechanical engineering, Worcester Polytechnic Institute;

Michigan: Norma J. Bailey, professor of middle level education, Central Michigan University;

Minnesota: Ellen Brisch, professor of biology, Minnesota State University Moorhead;

Mississippi: George J. Bey, professor of anthropology, Millsaps College;

Missouri: Mark Richter, professor of chemistry, Missouri State University;

Montana: Marisa Pedulla, assistant professor of biological science, Montana Tech of The University of Montana;

Nebraska: Isabelle D. Cherney, associate professor of psychology, Creighton University;

New Jersey: Osama M. Eljabiri, senior university lecturer of managament information systems, New Jersey Institute of Technology;

New York: T. Michael Duncan, associate professor of chemical engineering, Cornell University;

North Carolina: Reed M. Perkins, McMahon professor of environmental science, Queens University of Charlotte;

Ohio: Linda Morrow, professor of education, Muskingum College;

Oklahoma: Mickey Hepner, associate professor of economics, University of Central Oklahoma;

Oregon: Dawn J. Wright, professor of geography and oceanography, Oregon State University;

Pennsylvania: John A. Commito, professor of environmental studies, Gettysburg College;

South Carolina: Melissa Walker, Johnson associate professor of history, Converse College;

South Dakota: Ahrar Ahmad, professor of political science, Black Hills State University;

Tennessee: Peter Giordano, professor and chair of psychology, Belmont University;

Texas: Frank Jones, Harding professor of mathematics, Rice University;

Utah: Lyle G. McNeal, professor of animal, dairy and veterinary science, Utah State University;

Virginia: Joe Hoyle, associate professor of accounting, University of Richmond;

Washington: Nancy K. Bristow, professor of history, University of Puget Sound;

West Virginia: Kenneth C. Martis, professor of geography, West Virginia University;

Wisconsin: Kristina M. Ropella, professor of biomedical engineering, Marquette University.●

HONORING MAXINE FROST

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the accomplishments of Maxine Pierce Frost, a longtime community leader in Riverside, CA, and nationally renown leader in education. This month, Maxine Frost will retire from the Riverside Unified School District after 40 years of dedicated service.

Since 1967, Maxine Frost has provided leadership to her community, the State of California, and our Nation. As a board member of the Riverside Unified School District, Frost has seen great change in education policy throughout her tenure. Being a member of the first large school district in the Nation to voluntarily desegregate, she has helped pave the way for similar changes across America.

Throughout periods of intense growth in the State and the region, Maxine Frost has worked diligently to ensure that students and educators are provided with adequate resources. The Riverside Unified School District has grown from roughly 23,000 students to 43,000 students during Frost's tenure. Throughout this period of intense growth, she has maintained her resolve that every student have the resources they need to succeed.

Numerous academic committees across the State of California and our Nation have benefitted from the leadership and experience of Maxine Frost. She has held a number of leadership posts: president of the Pacific Region of National School Boards Association, the California School Boards Association Legislative Network, the California Association of Suburban School Districts, the Schools Accrediting Commissions, the Council for Basic Education, and the California Association of Student Council's Board of Directors. In 1981, after serving as president of the California School Boards Association, California Governor George Deukmejian appointed her to the Education Commission of the States, in which she served alongside future President William Jefferson Clinton, who chaired the commission at that time.

On October 16, 2006, the Riverside Unified School District adopted a resolution to designate one of its elementary schools as, Maxine Frost Elementary School, in honor of her longtime service and dedication to the community.

As she retires from four decades of service and dedication to the students, families, and educators of California and our Nation, I am pleased to ask my colleagues to join me in thanking her for her fine work. Her tremendous leadership will be long remembered.●

IN MEMORIAM: ROBERT GERARD GOULET

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of the late Robert Gerard Goulet, the beloved recording, movie, theater, and television star. Mr. Goulet passed away on October 30, 2007. He was 73 years old.

Robert Gerard Goulet was born on November 26, 1933, in Lawrence, MA, to French Canadian parents, Jeanette and Joseph Goulet. Shortly after his father's untimely passing, he and his family moved to Alberta, Canada. His abundant talents and charisma were evident at a young age, as Mr. Goulet became a popular singer on Canadian television as a precocious teenager.

In 1960, Mr. Goulet made his Broadway debut as Sir Lancelot in the original production of ''Camelot,'' starring opposite Julie Andrews and Richard Burton. After hearing Mr. Goulet sing during the first day of rehearsals, Mr. Burton compared his rich baritone voice to ''the voice of an angel.'' Mr. Goulet's performance won him wide acclaim, including the Theater World Award, and recognition as one of Broadway's most captivating and talented stars. In 1968, Mr. Goulet won the Tony Award for best actor in a musical for his role as Jacques Bonnard in ''The Happy Time.''

A consummate entertainer, Mr. Goulet, who won a Grammy Award for Best New Artist in 1962, has recorded over 60 albums. Throughout the 1960s and 1970s, he starred in a number of his own television specials and was a popular guest on ''The Ed Sullivan Show'' and other variety programs. Mr. Goulet could also boast of an impressive resume on the big screen, as he was featured in several successful movies, including ''Honeymoon Hotel,'' ''Beetlejuice,'' and ''Toy Story II.'' Over the course of a career that spanned over half a century, Mr. Goulet's many accomplishments and successes cemented his status as one of America's most versatile and beloved entertainers in recent memory.

A prostate cancer survivor, Mr. Goulet played an active role in helping to increase the awareness of prostate health. He was a spokesman for the American Cancer Society and he regularly visited communities to educate others on the importance of cancer awareness, prevention, and early detection. In 2005, he was awarded the ''Human Spirit Award'' by The Wellness Community.

Throughout an illustrious career, Robert Gerard Goulet used his prestigious talents to bring joy and entertainment to millions of his fans and admirers from the world over. Mr. Goulet has left behind a legacy of performing excellence. He will be missed.

Mr. Goulet is survived by his wife Vera; two sons, Christopher and Michael; daughter Nicolette; three grandchildren, Jordan, Gerard, and Solange.●

CONGRATULATING VILLA MADONNA ACADEMY ELEMENTARY AND JUNIOR HIGH SCHOOL

● Mr. BUNNING. Mr. President, I invite my colleagues to join me in congratulating Villa Madonna Academy Elementary and Junior High School of Villa Hills, KY. Villa Madonna Academy Elementary and Junior High School is recognized as a 2007 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for 25 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 5,200 schools since its inception. This year 11 Kentucky schools join this distinguished list, and I am proud to say that this is the second time Villa Madonna Academy Elementary and Junior High School has been a worthy recipient.

By demanding excellence from each and every student, Villa Madonna

Academy Elementary and Junior High School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Villa Madonna Academy Elementary and Junior High School exemplifies what our Kentucky schools can achieve when we have enough faith in our students to challenge them to their full potential.

I congratulate Villa Madonna Academy Elementary and Junior High School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. I look forward to all that Villa Madonna Academy Elementary and Junior High School accomplishes in the future.●

LIEUTENANT GENERAL DAVID POYTHRESS

● Mr. CHAMBLISS. Mr. President, today I recognize the career and achievements of a great military officer, civilian leader, and friend. After a long and distinguished career culminating with nearly 44 years of service, LTG David Poythress will retire from the United States Air National Guard, with the honor of being the first adjutant general of Georgia to reach the rank of lieutenant general.

General Poythress was commissioned as a second lieutenant in 1964, a time in our Nation's history when serving in the military brought with it not only a requirement to face the enemy abroad but also the willingness to serve despite a divided nation.

General Poythress received his law degree from Emory University in 1967 and was a distinguished graduate of Emory's ROTC program. Shortly thereafter, he was called to active duty and served 1 year as chief of military justice at DaNang Air Base, Vietnam. He served as a judge advocate general in the Air Force Reserve, rising from the rank of captain to brigadier general. During this same time period, complimenting his military career, he served the State of Georgia honorably as the assistant attorney general, the deputy state revenue commissioner, the secretary of State of Georgia, and the State labor commissioner.

In 1999, he was appointed as the adjutant general of Georgia, with his tenure encompassing what may be the Georgia National Guard's most dynamic and demanding period in its 243-year history. Under General Poythress's leadership, the Georgia National Guard deployed nearly 10,000 soldiers and airmen around the world in support of the global war on terror, and more than 2,200 guardsmen to help Gulf Coast States following the devastation of Hurricane Katrina. The Georgia Guard completed high profile/high risk security missions following September 11, 2001, and also conducted dangerous operations on the Mexican border.

General Poythress's contributions will be appreciated by generations of Georgia guardsmen far in the future. He was successful in achieving the long-standing Georgia goal of legislation and funding for a State retirement plan for traditional guardsmen. He led the Georgia National Guard in winning the Oglethorpe Award for performance excellence. He also oversaw Robins Air Force Base's 116th Air Control Wing's transition from B-1s to a highly modernized Joint STARS unit.

General Poythress's noteworthy service and responsibilities have been widely recognized. His distinguished honors include the Legion of Merit, the Meritorious Service Medal with one device, the Air Force Commendation Medal with one device, the Vietnam Service Medal with one device and the Vietnam Campaign Medal.

The Georgia National Guard will miss General Poythress's commitment to duty, ceaseless drive for improvement, and unwavering support for guardsmen, soldiers, and airmen everywhere. Although I will miss his service in the capacity as adjutant general, I am especially pleased that he will remain in the great State of Georgia and continue to serve both publicly and privately as he has done throughout his life. I hope my colleagues will join me in wishing him well in all his future endeavors and hope that those who follow in his footsteps will continue his legacy of support to Georgia and our great Nation.●

TRIBUTE TO DICK SMITH

● Mr. CRAPO. Mr. President, from humble beginnings as a seasonal fire fighter in Wyoming in the 1970s, Dick Smith built a fine career and developed an outstanding reputation as a Forest Service employee over his 35 years at the Agency. He retired from Federal service this fall, after achieving the position of Forest Supervisor for the Boise National Forest. Although we are thrilled that he is able to now enjoy retirement, his absence will indeed be felt, to the detriment of the Idaho forestry community. Before taking a position in the Clearwater National Forest, Dick worked seasonally in Alaska, Minnesota, and Wyoming. In the 1970s and 1980s, he developed a strong foundation in forest management, silviculture, fire and project planning and obtained a Master of Science in Forest Ecology. He worked for 15 years as a Forest Silviculturalist. From 1989 to 1999, Dick served as District Ranger in charge of overall management of the 460,000 acre Plains/Thompson Falls District of the Lolo NF, in Plains, MT. During his tenure at this position, he earned a number of awards including the Forest Service Director's Excellence Award for ''Positive Action and Community Leadership'' for the District's mineral management program and the Forest Service Northern Regional Forester's Honor Award for ''Personal and Professional Excellence.'' His District received the 1995 National Salvage Award for effectively taking advantage of salvage opportunities in an environmentally sensitive manner following large bark beetle outbreaks and significant wildfire activity on the unit under his direction.

It is natural that such an individual would rise to the top in his agency, and Dick did exactly that. In 1999, the Forest Service brought him here to Washington to serve on the policy analysis staff, and it was at this time that I, too, was able to benefit from his hard work and expertise—directly. When I was first elected to the Senate, Dick came to work for me as a Brookings Institute Fellow for 6 months and I greatly benefited from his expertise and experience.

He returned to Idaho and was selected to serve as Supervisor of the 2.6 million acre Boise National Forest in 2003. This position entails coordinating forest management and supervisory activities with state agencies, other Federal agencies and the tribes. Then-Governor Dirk Kempthorne appointed him to serve on the board of the Idaho Rural Partnership and the Citizens Advisory Panel to the Policy Analysis Group for the University of Idaho.

While under Dick's leadership, the Boise National Forest was one of the first national forests to complete and implement a fuels management project under the Healthy Forest Restoration Act. Dick's diligence and commitment to intentional and effective forest management has placed the Boise National Forest at the forefront of implementing hazardous fuels treatment and initiatives that support aquatic restoration, noxious weed mitigation and recreation management. These endeavors are all the more challenging considering the growing wildland urban interface that characterizes the Boise National Forest.

While excelling at his job, Dick maintained his involvement in professional and community organizations. In addition to membership in the American Society of Foresters, Dick has been involved in Boy Scouts, Little League, Jaycees, Lions Club, and various leadership positions with the Rotary Club in the communities in which he has lived over the years.

Dick and his wife, Sandy, plan to stay in the Boise area for retirement, enjoying the outdoors hiking, camping, fishing, backpacking and skiing—fitting pursuits for a man who has worked so hard to preserve and manage Idaho's beautiful natural resources for future generations. I appreciate Dick's wisdom and insight over the years; I have depended on his analysis and advice on many forest management issues, and I wish him and Sandy well in the next chapter of their lives.●

RECOGNIZING DON AMERT

● Mr. THUNE. Mr. President, I wish to recognize Don Amert for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to

eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Don Amert with East Central South Dakota Habitat for Humanity is a partner in Amert Construction of Madison, SD. He has provided leadership as the East Central South Dakota Habitat for Humanity's construction chairman. Along with help from volunteers, Don completed the first 2 houses for East Central South Dakota Habitat for Humanity. Not only did Don provide affordable housing, but he also taught his volunteers proper building techniques.

It gives me great pleasure to recognize Don Amert and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

RECOGNIZING OWEN BAIN

● Mr. THUNE. Mr. President, today I wish to recognize Owen Bain for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Owen Bain works with the Habitat for Humanity of Beadle County. He is a hobby carpenter and has volunteered more than 180 hours of labor in Habitat's recent projects. Owen played an integral role in the building process, all the while maintaining his humble disposition. Owen is a model volunteer who has contributed greatly to the success of Habitat for Humanity.

It gives me great pleasure to recognize Owen Bain and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

RECOGNIZING BENCHMARK FOAM, INC.

● Mr. THUNE. Mr. President, today I wish to recognize Benchmark Foam Inc. for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Benchmark Foam Inc. is partnered with Watertown Region Habitat for Humanity and is based in Watertown, South Dakota. The Benchmark team has produced and provided expanded polystyrene and other specialty plastics for the construction of Habitat homes. Benchmark has developed a longstanding relationship with the Watertown Region affiliate. Benchmark and its employees have made their mark on the Habitat for Humanity progress in the area.

It gives me great pleasure to recognize Benchmark Foam Inc. and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING CLARK'S RENTALS

● Mr. THUNE. Mr. President, today I wish to recognize Clark's Rentals for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Clark's Rentals is partnered with Habitat for Humanity of Yankton County. Clark's Rentals began operating in 1991, and after only 5 years they supported the new Yankton affiliate of Habitat for Humanity by providing equipment without cost. Through their support of Habitat's mission, Clark's Rentals has enabled the Yankton affiliate to expand their goal of providing affordable housing. Special recognition is due to Larry and Joan Clark of Clark's Rentals as well as their supportive staff members, Carl Clark, Ray Dorat, and Jimmy Olson.

It gives me great pleasure to recognize Clark's Rentals and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING CAROLYN DOWNS

● Mr. THUNE. Mr. President, Carolyn Downs is the outgoing executive director of The Banquet in Sioux Falls, SD who is stepping down after 20 years of service to the Sioux Falls community.

The Banquet, an ecumenical ministry, has been providing free meals to the Sioux Falls community since 1985. In the past year, The Banquet served 137,000 guests. Since she started her work with The Banquet in 1988, Carolyn has organized thousands of volunteers and served countless meals. Carolyn learned from her mother at a young age that sharing meals was a way that people show their love to others. The secret to her success is her ability to put herself in other people's shoes. Carolyn encourages her volunteers to not only provide food to those that come to her center, but also to express compassion and understanding through conversation and interaction. Carolyn's love for others is reflected in her perpetual smile and her giving spirit.

South Dakota's communities are held together by dedicated individuals like Carolyn Downs who commit their time and energy to helping those around them. She is truly an example of what it means to serve others. Her leadership and dedication to The Banquet will be greatly missed. It gives me great pleasure to congratulate Carolyn on a successful career and wish her the best on her retirement.●

RECOGNIZING DAVE FLECK

● Mr. THUNE. Mr. President, today I wish to recognize Dave Fleck for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Dave Fleck works with the Greater Sioux Falls Habitat for Humanity. His company, Sioux Falls Construction, has donated construction management services to the Greater Sioux Falls Habitat affiliate. Dave has taken on leadership roles in the construction and site selection for 8 years now. He has participated in Habitat activities at every level. Dave is also a member of the chamber of commerce. The Greater Sioux Falls Habitat for Humanity truly benefits from the support that Dave Fleck provides.

It gives me great pleasure to recognize Dave Fleck and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

RECOGNIZING THE JOHN T. VUCUREVICH FOUNDATION

● Mr. THUNE. Mr. President, today I wish to recognize the John T. Vucurevich Foundation for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

The John T. Vucurevich Foundation works with the Black Hills Area Habitat for Humanity. With the impressive financial support the John T. Vucurevich Foundation has shown, the Black Hills Area Habitat affiliate has been able to obtain a ReStore Outlet. The John T. Vucurevich Foundation has shown its continued support by providing construction materials and furthering the goals of the Black Hills Area affiliate in many ways.

It gives me great pleasure to recognize the John T. Vucurevich Foundation and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

HONORING JUNE JAMES

● Mr. THUNE. Mr. President, today I wish to honor June James of Hazel, SD. June was chosen as the 2007 Spirit of South Dakota Award winner. This impressive award reflects June's vision, courage, and strength of character in the development of her family, community, and State.

June is a lifelong South Dakotan who reflects the values and traditions that make our State great. She is dedicated

to her family and the Hazel community. She has demonstrated this dedication through her involvement in her church, her work as an extension coordinator in Codington County and Hamlin County, and her service to the local 4H chapter. In addition to all this, June and her husband run the family's century farm. Clearly June reflects the qualities that make her deserving of this year's 2007 Spirit of South Dakota award.

I am proud to honor June James, along with her friends and family, in celebrating her 50 years of selfless dedication and service to the city of Hazel.●

HONORING THOMAS ''EMMETT'' KUEHL

● Mr. THUNE. Mr. President, today I wish to honor Thomas ''Emmett'' Kuehl. Thomas was a volunteer firefighter for the Elkton Fire Department. He served for 17 years and was an EMT for 16 years with the Elkton ambulance crew. He died at 38 years old on April 11, 2006, from injuries sustained while operating at the scene of a fire. The 26th National Fallen Firefighters Memorial Service is honoring Emmett as a fallen hero.

Emmett was not only a brave firefighter, he was a man dedicated to his local community. As a supporter of Elkton athletics, Emmett could be counted on to drive the ambulance for the Elkton football team. For his 16 years of dedication to the team, the Elks dedicated their 2006 season to Emmett and finished runner-up in the class 9AA championships at the State tournament.

Emmett was a great American, and his commitment to the people of Elkton was truly honorable. Today I rise with Emmett Kuehl's family and friends to remember his selfless dedication and service to the Elkton community and the State of South Dakota.●

RECOGNIZING KIM LARSON

● Mr. THUNE. Mr. President, today I wish to recognize Kim Larson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Kim Larson with Oahe Habitat for Humanity is Executive Assistant for the CEO of BankWest in Pierre where she is instrumental in providing servicing on loans and facilitating the documentation for the partner families. Always available, Kim is able to keep Oahe Habitat representatives and the partner families informed. Kim has proven to be an integral part of the Oahe affiliate of Habitat for Humanity.

It gives me great pleasure to recognize Kim Larson and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.●

RECOGNIZING JERI LEMKE

● Mr. THUNE. Mr. President, today I wish to recognize Jeri Lemke for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Jeri Lemke with Okiciyapi Tipi Habitat for Humanity has worked to increase Habitat's influence in her local community. She is always available to assist Habitat and provides helpful guidance. Okiciyapi Tipi, of the Eagle Butte community, has been transformed by Jeri and her fine leadership.

It gives me great pleasure to recognize Jeri Lemke and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.●

RECOGNIZING LOYOLA ACADEMY

● Mr. THUNE. Mr. President, today I wish to recognize Loyola Academy for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Loyola is a Jesuit High School in Wilmette, IL. They have a longstanding relationship with the Sicangu Tikanga Okiciyapi Habitat for Humanity. For 6 years, Loyola Academy has supported this affiliate, and this past year they provided three groups of volunteers. Loyola Academy's support has been instrumental in making progress in the area that is far reaching.

It gives me great pleasure to recognize Loyola Academy and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING ARMOND 'RED' OLSON

● Mr. THUNE. Mr. President, I wish to recognize Armond 'Red' Olson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Armond Olson, known as Red, is with Dacotah Tipis Habitat for Humanity. He has served on the affiliate's Board of Directors for 2 years and has been a volunteer for every phase of the construction process. Since the beginning of the Dacotah Tipis Habitat affiliate program, Red has been an ambitious and inspiring supporter. He is a family man, and has been married for 37 years and has 3 children and 10 grandchildren.

It gives me great pleasure to recognize Armond 'Red' Olson and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

RECOGNIZING LARRY PETERSON

● Mr. THUNE. Mr. President, today I wish to recognize Larry Peterson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Larry Peterson is a valued volunteer with the Wiohanble Yuwita Habitat for Humanity. In Lakota, Wiohanble Yuwita translates into ''Building Dreams'' and Larry plays a vital role in building these dreams for the Habitat for Humanity recipients.

It gives me great pleasure to recognize Larry Peterson and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

THRIVENT AID FOR LUTHERANS

● Mr. THUNE. Mr. President, today I wish to recognize Thrivent Aid for Lutherans for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Thrivent Aid for Lutherans is partnered with the Brookings Area Habitat for Humanity. With the support of innumerable meals and volunteer support, Thrivent, as well as all Lutheran churches in Brookings, has been responsible for great gains in Habitat goals. They have even enlisted the support of Lutheran churches outside of the county. Over the past year, two homes were funded and constructed using Thrivent resources. This continued support has greatly expanded the success of the Brookings Area Habitat for Humanity.

It gives me great pleasure to recognize Thrivent Aid for Lutherans and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING OKICIYAPI TIPI

● Mr. THUNE. Mr. President, today I wish to recognize Okiciyapi Tipi for receiving the Supporter of the Year Award from the South Dakota Habitat

for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Okiciyapi Tipi works with the Midwest Region Habitat for Humanity International. By creating new progressive partnerships with local banks, Okiciyapi Tipi has helped to facilitate tremendous rehabbing projects for the past two seasons. These projects have drawn volunteers from across the world. Jerry Farlee, executive director of Okiciyapi Tipi, has been nominated for a 3-year term on the U.S. Advisory Council for Habitat for Humanity International in order to further support the goals of the affiliates servicing rural areas.

It gives me great pleasure to recognize Okiciyapi Tipi and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING KELLI VAN STEENWYK

● Mr. THUNE. Mr. President, today I wish to recognize Kelli Van Steenwyk for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Kelli Van Steenwyk with Hub Area Habitat for Humanity is employed by Wells Fargo Financial and gathered building and committee assistance for Hub Area Habitat for Humanity. Kelli recruited the support of 12 other coworkers. Working alongside Kirstie Hoon, Kelli has shown great leadership. Her fundraising committee has been successful at contributing greatly to Hub Area Habitat for Humanity activities. Kelli is a valuable supporter of the Aberdeen community.

It gives me great pleasure to recognize Kelli Van Steenwyk and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.●

RECOGNIZING WELLS FARGO

● Mr. THUNE. Mr. President, I wish to recognize Wells Fargo for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Wells Fargo works with Habitat for Humanity of South Dakota. Wells Fargo has distributed donations to Habitat for Humanity affiliates across South Dakota. These generous donations have exceeded $883,000. Wells Fargo employees have been a major asset to Habitat for Humanity of South Dakota by volunteering 16,000 hours of labor in the construction of 33 homes across the state. Wells Fargo's financial and volunteer support has allowed Habitat for Humanity to substantially expand its work throughout South Dakota.

It gives me great pleasure to recognize Wells Fargo and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4156, An act making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

At 3:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 719. An act to authorize additional appropriations for supervision of Internet access by sex offenders convicted under Federal law, and for other purposes.

H.R. 3320. An act to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland.

H.R. 3845. An act to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

At 3:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess of the two Houses.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–247. A resolution adopted by the Interstate Oil and Gas Compact Commission at their annual meeting relative to the opinions of the oil and gas producing states on certain matters; to the Committee on Energy and Natural Resources.

POM–248. A resolution adopted by the Atlanta World War II Round Table urging Congress to add words to the inscription on the World War II Memorial; to the Committee on Energy and Natural Resources.

POM–249. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 107

Whereas, passenger rail service has historically focused on long distance routes. States may provide shorter, regional service if the state pays most of the cost. Fourteen states, including Michigan, Illinois, and Wisconsin, provide funding support to Amtrak to support in-state and regional passenger rail systems; and

Whereas, ridership on these shorter, regional routes has increased dramatically in the past two years. Ticket sales on Midwest intercity rail lines have reached record numbers. In Michigan, ridership has risen by 31 percent on the Blue Water passenger train and 20 percent on the Wolverine passenger train over the past two years. The state hopes to add passenger rail service between Detroit and Ann Arbor. Expanded passenger rail service is being promoted as a solution to rising oil prices, pollution, and increased highway congestion; and

Whereas, states would like federal assistance in funding the shorter passenger rail services. Federal matching dollars are provided for other transportation modes, and states would like to see a similar program for in-state and regional passenger rail projects. Senate Bill 294, currently before the United States Senate, would provide $19.2 billion in reauthorization funds to Amtrak and provide grants to state projects: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–250. A resolution adopted by the Senate of the State of New York urging Congress to eliminate the expiration period of the Federal Do Not Call Registry; to the Committee on Commerce, Science, and Transportation.

SENATE NO. 3582

Whereas, the Do Not Call Registry was established in the State of New York in 2000 to protect citizens from unwanted sales calls; it was made more effective in 2003, when it merged with the National Do Not Call Registry; and

Whereas, the National Do Not Call Registry provides citizens across the state and country with the privacy they deserve and adequate penalties for businesses which violate that privacy by persisting with unwanted phone calls; and

Whereas, the merging of the two Do Not Call Registries has effectively protected New York State residents from bothersome and unwanted phone solicitations for the last five years; and

Whereas, due to the five year expiration of the National Do Not Call Registry, many of the first enrollees will soon again be vulnerable to telephone solicitations unless they re-enroll: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York

State Congressional Delegation to eliminate the 5-year expiration date and make the National Do Not Call Registry permanent; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

POM–251. A resolution adopted by the Midwestern Legislative Conference of the Council of State Governments expressing the Council's support for improved vehicle fuel economy; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, H.R. 2927 sets tough fuel economy standards without off ramps or loopholes, by requiring separate car and truck standards to meet a total fleet fuel economy between 32 and 35 mpg by 2022—an increase of as much as 40 percent over current fuel economy standards—and requires vehicle fuel economy to be increased to the maximum feasible level in the years leading up to 2022; and

Whereas, H.R. 2927, while challenging, will provide automakers more reasonable lead time to implement technology changes in both the near- and long-term. Model year 2008 vehicles are already available today, and product and manufacturing planning is done through Model Year 2012. H.R. 2927 recognizes the critical need for engineering lead times necessary for manufacturers to make significant changes to their fleets; and

Whereas, H.R. 2927 respects consumer choice by protecting tie important functional differences between passenger cars and light trucks/SUV's. Last year, 2006, was the sixth year in a row that Americans bought more trucks, minivans, and SUVs than passenger cars, because they value attributes such as passenger and cargo load capacity, four-wheel drive, and towing capability hat most cars are not designed to provide; and

Whereas, while some would like fuel economy increases to be much more aggressive and be implemented with much less lead time, Corporate Average Fuel Economy (CAFE) standards must be set at levels and in time frames that do not impose economic harm on the manufacturers, suppliers, dealers, and others in the auto industry; and

Whereas, proponents of unrealistic and unattainable CAFE standards cite Europe's 35 mpg fuel economy, without ever mentioning Europe's $6 per gallon gasoline prices, the high sales of diesel vehicles, the high proportion of Europeans driving manual transmission vehicles (80 percent in Europe vs. 8 percent in the U.S.), the significant differences in the size mix of vehicles, or that trucks and SUVs are virtually nonexistent among European households; and

Whereas, proponents of unreasonable CAFE standards claim they will save consumers billions, but they neglect to talk about the upfront costs of such changes to the manufacturers of meeting unduly strict CAFE standards—more than $100 billion, according to the National Highway Traffic Safety Administration—which will lead to vehicle price increases of several thousand dollars; and

Whereas, proponents of unrealistic CAFE standards ignore the potential safety impacts of downsized vehicles on America's highways and overlook the historical role and critical importance of manufacturing plants to our national and economic security. They seem unconcerned about threats to the 7.5 million jobs that are directly and indirectly dependent on a vibrant auto industry in the United States; and

Whereas, H.R. 2927 is a reasonable bill that balances a number of important public policy concerns. The bill represents a tough but fair compromise that deserves serious consideration and support: Now therefore be it

Resolved, by the Council of State Governments Midwestern Legislative Conference, That we memorialize the United States Congress to enact H.R..1927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand; and be it further

Resolved, That this resolution be submitted to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the members of the congressional delegations of all Midwestern Legislative Conference states.

POM–252. A resolution adopted by the House of Representatives of the State of Pennsylvania urging Congress to override the President's veto of the Children's Health Insurance Program Reauthorization Act of 2007; to the Committee of Finance.

HOUSE RESOLUTION NO. 447

Whereas, the highly successful State Children's Health Insurance Program (SCHIP), created by the Federal Balanced Budget Act of 1997, has enabled states to provide health care coverage to more than 6 million uninsured low-income children in this country; and

Whereas, through the program's enhanced Federal match funding, Pennsylvania is currently helping to provide health care coverage to more than 164,000 low-income children who do not qualify for Medicaid and would otherwise be uninsured; and

Whereas, Pennsylvania led the nation in launching the first Children's Health Insurance Program (CHIP) in 1992 and provided the model for Federal support of all states; and

Whereas, in 2006, Pennsylvania continued its leadership by expanding affordable health care coverage to uninsured children through its Cover All Kids program; and

Whereas, the Children's Health Insurance Program Reauthorization Act of 2007, H.R. 976, is a bipartisan compromise plan to reauthorize the SCHIP program, which expired on September 30, 2007, and to expand coverage to an additional 3.8 million children; and

Whereas, on October 3, 2007, the President of the United States vetoed H.R. 976, citing philosophical differences with regard to the expansion of the program; and

Whereas, this veto will severely hamper Pennsylvania's efforts to help more than 133,000 remaining uninsured children obtain access to health care coverage; and

Whereas, it is critical that this legislation be enacted to ensure affordable health care coverage for all uninsured children: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania condemn the veto by the President of the United States of the Children's Health Insurance Program Reauthorization Act of 2007; and be it further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to override the veto; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–253 A resolution adopted by the House of Representatives of the State of Michigan urging Congress to override the President's veto of the State Children's Health Insurance Program; to the Committee on Finance.

HOUSE RESOLUTION NO. 201

Whereas, since 1997, the State Children's Health Insurance Program (SCRIP) has provided health insurance for children under age 19 from low income families who are not eligible for Medicaid. The program allocated over $40 billion for SCRIP through 2007 to states that provided matching funds to plan a SCRIP program, to expand their Medicaid program, or to implement a combined program relying on Medicaid and separate private plans; and

Whereas, the compromise SCHIP bill passed by Congress was vetoed by President Bush. This bipartisan measure would have reauthorized the program and added $35 billion over the next five years to cover 10 million children, including the 6.6 million currently covered and 4 million additional uninsured children; and

Whereas, the number of uninsured children declined by 26.6%, resulting in nearly 79,000 more children having health care coverage than ten years ago. MI Child has operated in conjunction with the Medicaid program to provide a much-needed safety net for Michigan's children; and

Whereas, an override of this veto is crucial to providing access to health care for millions of children. Expansion of this successful program is long overdue and strongly supported by the American people. Politics and misplaced priorities should not supersede a bipartisan solution to protect the health and lives of our most vulnerable citizens—innocent children: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to override the President's veto of the State Children's Health Insurance Program (SCHIP); and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–254. A resolution adopted by the House of Representatives of the State of Pennsylvania expressing support for ''National Food Safety Education Month''; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 398

Whereas, in 1994, the National Restaurant Association Educational Foundation's (NRAEF) International Food Safety Council created ''National Food Safety Education Month'' as an annual campaign; and

Whereas, the purpose of ''National Food Safety Education Month'' is to strengthen food safety education and training among persons in the restaurant and food service business and to educate the public on the safe handling and preparation of food; and

Whereas, there are more than 200 known foodborne diseases caused by viruses, toxins and metals and usually stemming from the improper handling, preparation or storage of food; and

Whereas, bacteria are the common cause of the foodborne illness; and

Whereas, foodborne illness costs the United States economy billions of dollars each year in lost productivity, hospitalization, long-term disability and even death; and

Whereas, the United States Department of Agriculture estimated that in 2000 medical costs and losses in productivity resulting from five bacterial foodborne pathogens was $6.9 billion; and

Whereas, it is estimated that in 2001 the annual cost of salmonellosis caused by the

Salmonella bacteria was $2.14 billion, including medical costs, the cost of time lost from work and the cost or value of premature death; and

Whereas, the Centers for Disease Control and Prevention (CDC) estimates that in the United States, there are 76 million illnesses, 325,000 hospitalizations and 5,000 deaths per year due to consumption of food contaminated with pathogenic microorganisms; and

Whereas, numerous cases have occurred in the United States and the Commonwealth of Pennsylvania: 2007—Salmonella from peanut butter in 44 states, 425 cases; 2006—E. coli in eight states from fresh spinach, 205 cases, including 3 deaths; and 2003—hepatitis A from Chi-Chi's sourced green onions in the Commonwealth of Pennsylvania; and

Whereas, up to 2,000 cases of salmonellosis occur each year in the Commonwealth of Pennsylvania; and

Whereas, following four simple steps, consumers can keep food safe from bacteria: clean—wash hands and surfaces often; separate—do not cross-contaminate; cook—cook to proper temperature; and chill—refrigerate promptly: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania express full and enthusiastic support for ''National Food Safety Education Month'' in September 2007; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–255. A resolution adopted by the Senate of the State of Michigan urging Congress to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 102

Whereas, a measure of the respect our nation accords the men and women who protect us through their military service is how we treat our veterans long after they have finished their military duty. The network of national cemeteries under the administration of the United States Department of Veteran Affairs (VA) is a most appropriate expression of the respect a grateful citizenry holds for those who have worn the nation's uniforms and faced grave perils to safeguard our freedoms; and

Whereas, ever since President Lincoln signed legislation during the Civil War to create national cemeteries as final resting places ''for soldiers who have died in the service of the country,'' this network of cemeteries has grown. Today, there are 141 national cemeteries, with 125 under the VA National Cemetery Administration. New facilities are regularly developed; and

Whereas, despite the growth in the number of national cemeteries, including the addition of the Great Lakes National Cemetery in Holly that opened in 2005, veterans in our Upper Peninsula remain very far from any such facility. In fact, the nearest national cemeteries are hundreds of miles away, near Milwaukee and Minneapolis. This distance presents a significant obstacle for the families of many veterans. We should do all we can to make this measure of honor and respect more readily available to all veterans: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Department of Veterans Affairs.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 719. An act to authorize additional appropriations for supervision of Internet access by sex offenders convicted under Federal law, and for other purposes; to the Committee on the Judiciary.

H.R. 3320. An act to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland; to the Committee on Foreign Relations.

H.R. 3845. An act to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators; to the Committee on the Judiciary.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4156. An act making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2363. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008'' (Rept. No. 120–230).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1642, a bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes (Rept. No. 110–231).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 366. A resolution designating November 2007 as ''National Methamphetamine Awareness Month'', to increase awareness of methamphetamine abuse.

S. Res. 367. A resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

By Mr. DODD, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1970. A bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2272. A bill to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Douglas A. Brook, of California, to be an Assistant Secretary of the Navy.

*John J. Young, Jr., of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

*Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Air Force nomination of Lt. Gen. Carrol H. Chandler, 9115, to be General.

Army nomination of Col. Donald L. Rutherford, 5430, to be Brigadier General.

Army nominations beginning with Colonel Joseph Caravalho, Jr. and ending with Colonel Keith W. Gallagher, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

Army nomination of Lt. Gen. Thomas F. Metz, 5686, to be Lieutenant General.

Army nomination of Maj. Gen. Jeffrey A. Sorenson, 3510, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Michael V. Siebert, 6633, to be Captain.

Air Force nominations beginning with Brian D. O'neil and ending with Frank R. Vidal, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Army nomination of Anthony Barber, 5447, to be Colonel.

Army nomination of Tim C. Lawson, 5165, to be Colonel.

Army nomination of Richard D. Fox II, 3613, to be Colonel.

Army nomination of John G. Goulet, 3964, to be Colonel.

Army nomination of David L. Patten, 9398, to be Colonel.

Army nominations beginning with Mark J. Benedict and ending with Gustav D. Waterhouse, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Marine Corps nomination of Melvin L. Chattman, 5718, to be Lieutenant Colonel.

Marine Corps nominations beginning with Dana R. Brown and ending with Mark R. Reid, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Navy nominations beginning with Julian D. Arellano and ending with Jared W. Wyrick, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

By Mr. LEAHY for the Committee on the Judiciary.

Reed Charles O'Connor, of Texas, to be United States District Judge for the Northern District of Texas.

Amul R. Thapar, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mrs. DOLE):

S. 2357. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and the tributaries of the Perquimans River in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 2359. A bill to establish the St. Augustine 450th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ:

S. 2360. A bill to develop a national system of oversight of States for sexual misconduct in the elementary and secondary school system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 2361. A bill to ensure the privacy of wireless telephone numbers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself, Mr. FEINGOLD, Ms. STABENOW, Mr. NELSON of Nebraska, and Mr. BIDEN):

S. 2362. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. MCCONNELL, Mr. BENNETT, Mr. CRAIG, and Mr. BROWNBACK):

S. 2363. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; read the first time.

By Mr. BURR (for himself and Mrs. DOLE):

S. 2364. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. DEMINT, Mr. ENSIGN, and Mr. COBURN):

S. 2365. A bill to require educational institutions that receive Federal funds to obtain the affirmative, informed, written consent of a parent before providing a student information regarding sex, to provide parents the opportunity to review such information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2366. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. BINGAMAN):

S. 2367. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Ms. LANDRIEU):

S. 2368. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. WYDEN, Mr. OBAMA, and Mr. BINGAMAN):

S. 2369. A bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2371. A bill to amend the Higher Education Act of 1965 to make technical corrections; considered and passed.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 2372. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. KERRY):

S. 2373. A bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2374. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. SCHUMER, and Mr. HATCH):

S. 2375. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent the election to treat certain costs of qualified film and television productions as expenses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for Mr. OBAMA (for himself, Mr. BROWN, and Mr. VOINOVICH)):

S. Res. 383. A resolution honoring and recognizing the achievements of Carl Stokes, the first African-American mayor of a major American city, in the 40th year since his election as Mayor of Cleveland, Ohio; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. INHOFE, Mr. CRAIG, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mr. DEMINT, Mr. JOHNSON, Mr. THUNE, Mr. KERRY, Mr. CONRAD, Mr. LEVIN, Mrs. HUTCHISON, Mr. DURBIN, Mr. INOUYE, and Mr. KENNEDY):

S. Res. 384. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 814

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 1169, a bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system.

S. 1275

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1965

At the request of Mr. STEVENS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1986

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1986, a bill to authorize the Secretary of Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 1992

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1992, a bill to preserve the recall rights of airline employees, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2181

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2181, supra.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2305

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2305, a bill to prevent voter caging.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2334

At the request of Mr. BARRASSO, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2334, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2347

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

At the request of Mr. TESTER, his name was added as a cosponsor of S. 2347, supra.

S. 2348

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S.J. RES. 22

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 367

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 367, a resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

AMENDMENT NO. 3502

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3502 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3634

At the request of Ms. CANTWELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3634 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3635

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of

amendment No. 3635 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3658

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 3658 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3674

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 3674 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Human-Animal Hybrid Prohibition Act, joined by Senator LANDRIEU and 15 other cosponsors.

A healthy imagination is a good thing in a young child. Children may dream of becoming a firefighter or an astronaut. In the case of really young children—especially when they love animals—they may even imagine being a horse or a dog. I don't see any harm in this . . . as long as there is a general attachment to reality as the child matures.

However, today, we are starting to see such wildly imaginative dreams being transformed into reality in a few rogue science labs in this country and abroad. Efforts are being marshaled to push us in the direction of experiments to create human-animal hybrids. Amazingly, here at the dawn of the 21st century, the Island of Dr. Moreau is becoming more than a fiction.

The legislation that we introduce today is very modest in scope. Though a few researchers may argue that it goes too far, there are many more who argue that it does not go far enough. I believe that the legislation that we offer today, hits just the right chord to be in tune with our society's needs. We do not want to stifle legitimate science. We only want to stop the efforts of mad scientists. In short, this bill only bans the creation of organisms that truly blur the line between humans and animals.

For instance, the legislation is so modest that it does not view all human-animal mixes as ''hybrids.'' This is because we recognize that some procedures—which currently use such techniques—do not blur the line between species. For example, a human with a replacement pig heart valve—such as our former colleague, Senator Jesse Helms is not considered a hybrid under this bill. Additionally, mixes that do not blur the line between human and animal—such as a mouse created with a human immune system, on which drugs could be tested for AIDS patients would not be banned. Again, this is because there is no blurring of the identity of the creatures involved.

What is banned is the creation of hybrid creatures that blur the line between species. For instance, creating an animal with human reproductive organs or a primarily human brain would be prohibited because such a creature blurs the lines between the species. Additionally banned are the creation of hybrids through experimental cloning techniques and/or the fusion of human and animal gametes. With this common sense bipartisan legislation, we are basically going with the most modest of bans in order to ensure that we do not infringe upon legitimate scientific research.

This ban would only hinder the efforts of mad scientists and rogue researchers. Legitimate scientists should have nothing to fear from the enactment of this legislative proposal.

There are many different reasons to support this legislation. This is reflected in the diverse groups that support this bill. On the right are groups such as the Family Research Council and Concerned Women for America; on the left are groups like Friends of the Earth and the International Center for Technology Assessment. Both sides have different but equally valid reasons for supporting the Human-Animal Hybrid Prohibition Act.

For now though, I would like to focus my attention on what I believe is the central ethical question: Why should we be opposed to human-animal hybrids?

I would submit that it is much more than what some have termed, ''the Yuck Factor.'' Rather, the reason to oppose human-animal hybrids is embedded in our very fabric as human beings. The reason to oppose the creation of human-animal hybrids is that the creation of such entities is a grave violation of human dignity and a defilement of the human person.

Human beings have a fundamental right to be born fully human. To create a human-animal hybrid whose identity as a member of the species Homo sapiens is in doubt is a violation of that human dignity and a grave injustice.

Think about this for a minute. What if—beyond your control—some mad scientist were to have created you as only 80-percent or 50-percent human. That would not be fair to you, but it would be something that you could not change and it would be something that you would have to live with for the whole of your existence on earth.

The fundamental issue is the dignity of the human person, but it does quickly move into other issues, such as the creation of a sub-human servant class, or maybe even a super-human class that comes to dominate humanity.

In the year 2000, one of the first attempts at human-animal hybrids was made. It was a vanguard attempt, which was shamed back into the silence of the mad scientist laboratory from which it came; but now as some scientists are trying to bring human-animal hybrids more into the mainstream, an essay on the year 2000 attempt is worth considering again. The essay, entitled, ''The Pig-Man Cometh'' appeared in the October 23, 2000, Weekly Standard, and from this piece I will quote extensively. In the piece, J. Bottum wrote:

> On Thursday, October 5, it was revealed that biotechnology researchers had successfully created a hybrid of a human being and a pig. A man-pig. A pig-man. The reality is so unspeakable, the words themselves don't want to go together.
>
> Extracting the nuclei of cells from a human fetus and inserting them into a pig's egg cells, scientists from an Australian company called Stem Cell Sciences and an American company called Biotransplant grew two of the pig-men to 32-cell embryos before destroying them. The embryos would have grown further, the scientists admitted, if they had been implanted in the womb of either a sow or a woman. Either a sow or a woman. A woman or a sow.
>
> There has been some suggestion from the creators that their purpose in designing this human pig is to build a new race of sub-human creatures for scientific and medical use. . . .
>
> But what difference does it make whether the researchers' intention is to create sub-humans or superhumans? Either they want to make a race of slaves, or they want to make a race of masters. And either way, it means the end of our humanity.
>
> You can't say we weren't warned. This is the island of Dr. Moreau. This is the brave new world. This is Dr. Frankenstein's chamber. This is Dr. Jekyll's room. This is Satan's Pandemonium, the city of self-destruction the rebel angels wrought in their all-consuming pride.
>
> But now that it has actually come—manifest, inescapable, real—there don't seem to be words that can describe its horror sufficiently to halt it. May God have mercy on us, for our modern Dr. Moreaus—our proud biotechnicians, our most advanced genetic scientists—have already announced that they will have no mercy.
>
> It's true that Stem Cell Sciences and Biotransplant have now, under the weight of adverse publicity, decided to withdraw their European patent application and modify their American application. But they made no promise to stop their investigations into the procedure. We simply have to rely upon their sense of what is, as Mountford put it, ''ethically immoral''—a sense sufficiently attenuated that they could undertake the design of the pig-man in the first place. The elimination of the human race has loomed into clear sight at last.

It used to be that even the imagination of this sort of thing existed only to underscore a moral in a story. . . . But we live at a moment in which British newspapers can report on 19 families who have created test-tube babies solely for the purpose of serving as tissue donors for their relatives—some brought to birth, some merely harvested as embryos and fetuses. A moment in which Harper's Bazaar can advise women to keep their faces unwrinkled by having themselves injected with fat culled from human cadavers. A moment in which the Australian philosopher Peter Singer can receive a chair at Princeton University for advocating the destruction of infants after birth if their lives are likely to be a burden. A moment in which the brains of late-term aborted babies can be vacuumed out and gleaned for stem cells.

In the midst of all this, the creation of a human-pig arrives like a thing expected. We have reached the logical end, at last. We have become the people that, once upon a time, our ancestors used fairy tales to warn their children against—and we will reap exactly the consequences those tales foretold.

This was a grim philosophical essay, but the questions that it poses are worth reflecting upon—even if those questions make us cringe.

Will society exercise some responsibility, or will it be led, mindlessly going wherever the mad scientists want to go? Every week, it seems that there are new developments. Yesterday, the science journal Nature published an article on advances in cloning technology using monkeys. This is a slightly different issue than human-animal hybrids, but it further illustrates the rapid changes, developments, and surprises occurring in science. Such developments must be harnessed by society and directed toward good and ethical ends; and if the developments cannot be directed to good ends, then they should be abandoned to the scrap heap of morally bankrupt ideas. If we neglect to direct our course, we will be led to the brink of destruction.

I am more optimistic than the tone embodied in the Weekly Standard essay. I believe in the goodness of the American people and their elected representatives. I think that we can rise to the challenge to ensure that the marvels of science are properly channeled to serve humanity and human dignity.

Consideration and passage of the ''Human-Animal Hybrid Prohibition Act,'' which we introduce today, would be a wonderful step in the right direction.

Ms. LANDRIEU. Mr. President, I rise today to join with my colleague Senator BROWNBACK of Kansas as a cosponsor of S. 2358, the Human-Animal Hybrid Prohibition Act. As stem cell research has progressed in recent years, Federal law has remained troublingly silent over its proliferation. This bill would place a ban on the creation, transfer, or transportation of a human-animal hybrid. Human-animal hybrids are defined as: a human embryo into which animal cells or genes are introduced, making its humanity uncertain; a hybrid embryo created by fertilizing a human egg with non-human sperm; a hybrid embryo created by fertilizing a non-human egg with human sperm; a hybrid embryo created by introducing a non-human nucleus into a human egg; a hybrid embryo created by introducing a non-human egg with human sperm; an embryo containing mixed sets of chromosomes from both a human and animal; an animal with human reproductive organs; an animal with a whole or predominantly human brain.

In August of 2001, President Bush issued an executive order, allowing for Federal funding for stem cell research on the then-existing stem cell lines. In November of that same year, he appointed a council to monitor stem cell research, to recommend appropriate guidelines and regulations, and to consider all of the medical and ethical ramifications of biomedical innovation. To date, this council has issued numerous reports on the bioethics issues involved in stem cell research.

Meanwhile, the scientific community has moved forward in its research. Just this morning, researchers from Oregon announced that they successfully used cloning to produce monkey embryos and then extract stem cells from the embryos. The National Academies of Science released guidelines for human embryonic stem cell research in 2005 and again in 2007. Everyday we, as Members of Congress, are faced with a fundamental question: How far we should go in the name of science?

There is no doubt that embryonic stem cell research holds the promise of curing diseases such as Parkinson's, diabetes, Alzheimer's and cancer. Even President Bush stressed the importance of federally-funded research in approving the original stem cell lines in 2001—he explicitly stated that Federal dollars help attract the best and brightest scientists and help ensure that new discoveries are widely shared at the largest number of research facilities.

Federal funding not only allows us to encourage and financially support this research, it allows us to use the power of the purse to be sure it is done in the most safe and ethical way possible. I support Federal funding for embryonic stem cell research provided that the embryos used in these studies are those that are in excess from the fertility process and are knowingly donated for this purpose. I have met with many constituents suffering from life altering and fatal diseases and they have told me the impact that this research may have on their lives.

But what Senator BROWNBACK and I come forward with today is not about stem cell research with existing embryos. This is about a practice that has far-reaching ethical implications and brings into question our notion of humanity. Scientists have begun experimenting with injecting human neural stem cells into the brain of an animal. They are looking to insert a human nucleus into the egg of an animal and vice versa. They are looking to fertilize human eggs with non-human sperm and vice versa. They are on the verge of creating human-animal hybrids that truly blur the line between species. While the stated purpose may be a noble one—to advance medical research—the outcome is deplorable. At what point is scientific research going too far?

We believe we have reached that point. Creating human-animal hybrids opens the door to a host of concerns. It is a violation of basic human dignity. It also has the potential to threaten human health by introducing infections from animal populations.

The human body is not a product to be mass produced and stripped for parts, even in the earliest stages of its development. Assembly lines, patents, and warehouses are appropriate terms when talking about cars or computers, but not people. If we allow the creation of human-animal hybrids for research purposes, the end result will be a system of ''hatcheries'' where such ambiguous embryos are grown in mass. We hold a certain value for the uniqueness of humans. To challenge that in the name of science will have consequences we cannot begin to predict or understand.

A ban on this procedure helps to redirect science to equally promising areas. In addition, such a ban does not ban cloning and nuclear transfer techniques for the production of DNA, molecules, cells other than human embryos, tissues, organs, plants and animals. The type of ban that I support does nothing to restrict the vast majority of medical advancements that have and will continue to pave the way for potential cures for diseases such as Parkinson's, diabetes, spinal cord injuries, and cancer.

But as elected officials, we must take action on matters of such grave importance. Our legislative leadership is badly needed in this area. For this reason, I ask for your support for the Human-Animal Hybrid Prohibition Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. WYDEN, Mr. OBAMA, and Mr. BINGAMAN):

S. 2369. A bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes; to the Committee on the Judiciary.

Mr. BAUCUS. Mr. President, I am pleased to join with my Colleague Senator GRASSLEY in introducing legislation to provide that certain tax planning inventions cannot be patented.

America's patent system promotes innovation and competitiveness in all industries.

Article 1, section 8 of the Constitution authorized Congress to establish a patent system. That system is meant to protect inventors and promote the progress of science and ''useful arts.'' Today, we refer to this as technological innovation.

In the Patent Act of 1793, Congress enacted a broad definition for inventions that can be patented. But conditions were included. The definition for what could be patented in 1793 is remarkably similar to the definition in the United States Code today. And not every process or discovery is patentable.

In 17th century England, the Crown would grant a monopoly over a particular business line. Peter Meinhardt, in his book, ''Inventions, Patents and Monopoly,'' described these ''letters-patent'' that provided exclusive manufacturing rights as enriching ''the grantee at the expense of the community.'' This is what our Founders and Congress sought to avoid.

Today, a number of attorneys and accountants have begun applying for and obtaining tax patents. These involve financial products, banking, estate and gift, and tax preparation software.

The U.S. Patent and Trademark Office has granted at least 60 of these tax patents. About 90 applications are pending.

I have heard from tax practitioners, including those in Montana, who fear that tax patents will impede their ability to provide advice to their clients. They are concerned that even obvious applications of the tax law may become protected by tax patents. They also tell me that some tax strategy patent applications appear to be for tax shelters and other tax-motivated transactions.

The Treasury is also concerned about patent protection for tax planning methods. In September, Treasury issued proposed regulations requiring the disclosure of transactions that use a patented tax strategy.

While this is a step in the right direction, these rules do not go far enough to fix the real problem.

A taxpayer shouldn't be in the position of choosing to file a return and pay a patent holder a fee for using a tax strategy in the return. No one should have to pay a toll charge to comply with the tax laws.

They also should not have to conduct a due diligence check every time that they comply with the tax laws to see if they are infringing a tax patent.

As I understand it, a taxpayer might use a tax strategy based on advice from a tax practitioner. The practitioner would prepare and file a tax return using the patented strategy. The tax practitioner's advice, the taxpayer's use of the transaction, and the preparation and filing of the tax return could all be considered patent infringement.

These tax patents can also create traps for the unwary. If taxpayers used a patented strategy, not knowing that it is not permitted under the Internal Revenue Code, they could be subject to additional taxes, penalties and interest.

Congress has previously enacted laws to limit what can be patented. Limiting patentability for tax patents is another situation where Congress must act.

I introduce our bill today with Senator GRASSLEY. There are a number of cosponsors from both sides of the aisle.

It would provide that the Patent Trademark Office could not issue patents for tax planning inventions.

Tax planning inventions are generally tax plans, strategies, techniques, schemes, processes, or systems that are designed to reduce, minimize, avoid, or defer a taxpayer's Federal or State tax liability.

There is an important exception. This change would not affect the use of tax preparation software to help practitioners and taxpayers prepare tax or information returns.

Title 26 of the U.S. Code contains the Internal Revenue Code, a public law that is available to everyone. No one should have the capability to monopolize the tax law through the patenting of tax strategies. This is why I believe that these tax planning inventions should not be granted patent protection.

I urge my colleagues to join us in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill and an analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2369

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

SECTION 1. TAX PLANNING INVENTIONS NOT PATENTABLE.

(a) IN GENERAL.—Section 101 of title 35, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) Patentable Inventions.—Whoever'', and

(2) by adding at the end the following:

''(b) TAX PLANNING INVENTIONS.—

''(1) UNPATENTABLE SUBJECT MATTER.—A patent may not be obtained for a tax planning invention.

''(2) DEFINITIONS.—For purposes of paragraph (1)—

''(A) the term 'tax planning invention' means a plan, strategy, technique, scheme, process, or system that is designed to reduce, minimize, avoid, or defer, or has, when implemented, the effect of reducing, minimizing, avoiding, or deferring, a taxpayer's tax liability or is designed to facilitate compliance with tax laws, but does not include tax preparation software and other tools or systems used solely to prepare tax or information returns,

''(B) the term 'taxpayer' means an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986),

''(C) the terms 'tax', 'tax laws', 'tax liability', and 'taxation' refer to any Federal, State, county, city, municipality, foreign, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise, and

''(D) the term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) APPLICABILITY.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act,

(2) shall apply to any application for patent or application for a reissue patent that is—

(A) filed on or after the date of the enactment of this Act, or

(B) filed before that date if a patent or reissue patent has not been issued pursuant to the application as of that date, and

(3) shall not be construed as validating any patent issued before the date of the enactment of this Act for an invention described in section 101(b) of title 35, United States Code, as added by this section.

TAX PATIENTS

PRESENT LAW

Patents have increasingly been sought and issued for various tax-related inventions, including strategies for reducing a taxpayer's taxes.

In a 1998 case, State Street Bank, the U.S. Court of Appeals for the Federal Circuit (''Federal Circuit Court'') held that a method of doing business could be patented. The case involved a data processing system for a partnership structure of mutual funds that had advantageous tax consequences. The case has been considered a key decision allowing the patenting of business methods of all types. Since 1998, numerous tax-related patents have been issued or applied for, in some cases involving tax strategies less related to computer or other mechanical data processing systems. More recently, the Federal Circuit Court has indicated that some business methods are unpatentable.

The patents that have been granted or applied for have involved many aspects of the tax law, including financial products, charitable giving, estate planning, and tax deferred exchanges.

REASONS FOR CHANGE

Tax-related patents, if valid, remove from the public domain particular ways to satisfy a taxpayer's legal obligations. Tax-related inventions that have been patented cannot be practiced without the permission of the patent holder. Thus, a tax-related patent may have the effect of forcing or encouraging taxpayers to pay more tax than they would otherwise lawfully owe, either because taxpayers are not able to engage in a particular transaction or financial structure without the permission of the patent holder or because, if permission is granted, such permission requires payment of an undesirable charge. Taxpayers might seek other, more questionable alternatives to the patented invention in an attempt to avoid the scope of the patent. Unauthorized use of patented inventions may have adverse consequences for taxpayers or their advisers, who may face patent infringement suits for using, or suggesting use, of patented tax-related inventions. This could undermine uniform application of the tax laws, decrease public confidence in the nation's tax laws, and increase public dissatisfaction with tax laws if compliance must be accompanied by patent searches and licensing.

The availability of patent protection also could encourage, in a variety of ways, the

further development of aggressive tax shelter transactions or of transactions that do not achieve the expected tax results. For example, tax-related inventions do not necessarily have to deliver their claimed tax benefits to be eligible for a patent; yet strategies or methods that do not achieve the intended tax result might be marketed as ''legitimate'' based on the existence of a patent.

Finally, the creativity and ingenuity reflected in many tax planning techniques developed over the years without patent protection suggests that even without such protection there are sufficient incentives for tax planning innovation.

EXPLANATION OF PROVISION

Under the provision, a patent may not be obtained for a tax planning invention.

A tax planning invention means a plan, strategy, technique, scheme, process, or system that is designed to reduce, minimize, avoid, or defer, or has, when implemented, the effect of reducing, minimizing, avoiding, or deferring, a taxpayer's tax liability, or is designed to facilitate compliance with tax laws, but does not include tax preparation software and other tools or systems used solely to prepare tax or information returns.

The term ''taxpayer'' is defined as an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986).

The terms ''tax,'' ''tax laws,'' ''tax liability,'' and ''taxation'' refer to any Federal, State, county, city, municipality, foreign, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise.

The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

No inference is intended as to whether any business method, including any tax-related invention, is otherwise patentable under present law, or as to whether any software is entitled under present law to patent protection as distinct from copyright protection.

EFFECTIVE DATE

The provision takes effect on the date of enactment.

The provision shall apply to any application for a patent or application for a reissue patent that is (a) filed on or after such date of enactment; or (b) filed before such date if a patent or reissue patent has not been issued pursuant to the application as of that date.

The provision shall not be construed as validating any patent issued before the date of enactment for an invention described in section 101(b) of title 35, United States Code, as amended by this section.

Mr. GRASSLEY. Mr. President, this legislation that Senator BAUCUS and I are introducing changes the current rules governing tax patents. Recently, the U.S. Patent and Trademark Office, PTO, has allowed the patenting of tax strategies. Because of the serious policy concerns about this practice, our legislation would make tax strategies an unpatentable subject matter.

Tax patents are a relatively recent phenomenon. The rise of these patents can be traced back to the 1998 opinion of the Federal Circuit in State Street Bank v. Signature Financial Group that rejected a per se rule that business methods could not be patented.

As of September 2007, the U.S. Patent and Trademark Office had identified 60 issued tax related patents, with another 99 published tax patent applications pending. The recent growth of these patents, coupled with their deleterious effect on the tax system, necessitates legislative action in this area.

Tax patents undermine the integrity and fairness of the Federal tax system. They place taxpayers in the undesirable position of having to choose between paying more than legally required in taxes or paying a royalty to a third party for use of a tax planning invention that reduces those taxes.

A patent holder can preclude others from using their tax strategy. This may result in taxpayers paying more in taxes than is otherwise legally required. An exclusive proprietary right should not be granted for methods of compliance with the tax law, which is obligatory for all.

The patentability of tax strategies also adds another layer of complexity to the tax laws by requiring patent searches and potential exposure to patent infringement suits.

This legislation contains a general prohibition on ''tax planning inventions,'' with an exception for tax preparation software and other tools or systems used solely to prepare tax or information returns.

I hope that we can move this legislation quickly. The House has already included a version of prohibiting tax strategy patents in their comprehensive patent reform bill. The Senate should act as well.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act with my colleague Senator DOMENICI. A slightly different version of this bill passed the Senate during the 107th, 108th, and 109th Congress. We are introducing this legislation again in hopes of assisting the City of Albuquerque, New Mexico clear title to several parcels of land located along the Rio Grande. If title is cleared, the city will be free to proceed with plans to improve the properties as part of a biological park project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The biological park project has been in the works since 1987 when the city began to develop an aquarium and botanic garden along the banks of the Rio Grande. Those facilities constitute just a portion of the overall project. As part of this effort, in 1997, the city purchased two properties from the Middle Rio Grande Conservancy District, MRGCD, for $3,875,000. The first property, Tingley Beach, had been leased by the city from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, had been leased by the city since 1963, and also used for public park purposes.

In the year 2000, the city's plans were interrupted when the U.S. Bureau of Reclamation asserted that in 1953, it had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project. The United States assertion called into question the validity of the 1997 transaction between the city and MRGCD. Both MRGCD and the city dispute the United States' claim of ownership.

This dispute is unnecessarily complicating the city's progress in developing the biological park project. If the matter is left to litigation, the delay will be indefinite. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. In fact, the record indicates that Reclamation once considered releasing its interest in the properties for $1.00 each. Obviously, the Federal interest in these properties is low while the local interest is high. This bill is tailored to address this local interest by disclaiming any Federal interest in the two properties at issue. To avoid future complications, the bill also disclaims any Federal interest in several other parcels associated with the BioPark. The general dispute concerning title to Middle Rio Grande Project works is left for the courts to decide.

I hope my colleagues will work with me to resolve this issue. This bill represents a simple solution to a local problem caused by Federal action. I urge my colleagues to once again support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2370

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 ''Albuquerque Biological Park Title Clarification Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term ''BioPark Parcels'' means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated

on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B–1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B–1 and B–2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2374. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today we are pleased to introduce the Tax Technical Corrections Act of 2007. Technical corrections measures are routine for major tax acts, and are necessary to ensure that the provisions of the acts are working consistently with congressional intent, or to provide clerical corrections. Because these measures carry out congressional intent, no revenue gain or loss is scored from them.

Mr. GRASSLEY. Technical corrections are derived from a deliberative and consultative process among the Congressional and Administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved, as is the staff of the Treasury Department. All of this work is performed with the participation and guidance of the nonpartisan staff of the Joint Committee on Taxation. A technical enters the list only if all staffs agree it is appropriate.

Mr. BAUCUS. By filing this bill, we hope interested parties and practitioners will comment and provide direction on further edits, additions, or deletions. These comments should be submitted in a timely manner. It is our hope that we can move this package of technicals in December if possible.

Mr. President, I ask consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2374

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Technical Corrections Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 3. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 4. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 5. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 6. Amendments related to the Energy Policy Act of 2005.
Sec. 7. Amendments related to the American Jobs Creation Act of 2004.
Sec. 8. Amendment related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 9. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 10. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 11. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 12. Clerical corrections.

SEC. 2. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(i) $5,000,

''(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

''(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 3. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking ''related'' and inserting ''substantial and related''.

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

''(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).''.

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting ''a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g)),'' before ''or a gross valuation misstatement''.

(2) Paragraph (1) of section 6696(d) is amended by striking ''or under section 6695'' and inserting '', section 6695, or 6695A''.

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

''(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.''.

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking ''INFORMATION'' in the heading, and

(B) by adding at the end the following: ''Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.''.

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

''(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),''.

(3) Paragraph (2) of section 6104(d) is amended by striking ''section 6033'' and inserting ''section 6011 or 6033''.

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking ''or D'' and inserting ''D, or G''.

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking ''paragraph (1), (2), or (4) of section 509(a)'' and inserting ''subparagraph (C)(ii)''.

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

''(ii) EXCEPTION.—Such term shall not include—

''(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

''(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 4. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Paragraph (3) of section 355(b) is amended to read as follows:

''(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.''.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

''(f) DETERMINATION OF TAX LIABILITY.—

''(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

''(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

''(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

''(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

''(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

''(2) TREATMENT OF ORDINARY LOSS.—

''(A) REGULAR TAX.—If, for any taxable year, a taxpayer's net capital gain exceeds taxable income, in determining the tax under paragraph (1)(A)(ii)—

''(i) there shall be treated as adjusted net capital gain the lesser of—

''(I) the adjusted net capital gain (determined without regard to this paragraph), or

''(II) the amount of such excess,

''(ii) there shall be treated as unrecaptured section 1250 gain the lesser of—

''(I) the unrecaptured section 1250 gain (determined without regard to this paragraph), or

''(II) the amount of such excess reduced by adjusted net capital gain (as determined under clause (i)), and

''(iii) there shall be treated as 28-percent rate gain the amount of such excess reduced by the sum of—

''(I) the amount treated as adjusted net capital gain under clause (i), and

''(II) the amount treated as unrecaptured section 1250 gain under clause (ii).

''(B) ALTERNATIVE MINIMUM TAX.—The rules of subparagraph (A) shall apply for purposes of determining the amount under paragraph (1)(B)(ii), except that such subparagraph shall be applied by substituting 'taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income'.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 5. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(B) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(C) by striking ''ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT'' and inserting ''MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT'' in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(3) Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 6. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(2) Subsection (c) of section 30C is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(B) Any mixture—

''(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A),'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 7. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 248 OF THE ACT.—Subsection (a) of section 1355 is amended by adding at the end the following new paragraph:

''(8) PUERTO RICO TREATED AS PART OF DOMESTIC TRADE.—For purposes of paragraphs (6) and (7), Puerto Rico shall be treated as a place in the United States and not as a foreign place.''.

(b) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

''(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).''.

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.''.

(B) Subsection (m) of section 6501 is amended by inserting ''45H(g),'' after ''45C(d)(4),''.

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking ''qualified capital costs'' and inserting ''qualified costs''.

(B) The heading of paragraph (2) of section 45H(c) is amended by striking ''CAPITAL''.

(C) Subsection (a) of section 179B is amended by inserting ''and which are properly chargeable to capital account'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(d) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

''(2) TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

''(i) without regard to paragraphs (1)(C) and (3) thereof, and

''(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

''(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

''(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).''.

(2) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(e) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act .

SEC. 8. AMENDMENT RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—Clause (ii) of section 1(h)(11)(B) is amended by striking ''and'' at the end of subclause (II), by striking the period at the end of subclause (III) and inserting '', and'', and by adding at the end the following new subclause:

''(IV) any dividend received from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporation's accumulated DISC income or is a deemed distribution pursuant to section 995(b)(1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after December 31, 2007, in taxable years ending after such date.

SEC. 9. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 10. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

''(ii) LODGING FACILITY.—The term 'lodging facility' means a—

''(I) hotel,

''(II) motel, or

''(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 11. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 12. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

''(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

''(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),''.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(6) Subsection (b) of section 38 is amended—

(A) by striking ''and'' each place it appears at the end of any paragraph,

(B) by striking ''plus'' each place it appears at the end of any paragraph, and

(C) by inserting ''plus'' at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(8) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(9) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(10)(A) Paragraph (9) of section 121(d) is amended by adding at the end the following new subparagraph:

''(E) TERMINATION WITH RESPECT TO EMPLOYEES OF INTELLIGENCE COMMUNITY.—Clause (iii) of subparagraph (A) shall not apply with respect to any sale or exchange after December 31, 2010.''.

(B) Subsection (e) of section 417 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(11) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(1)(F)''.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking ''section 170(b)(1)(E)(ii)'' and inserting ''section 170(b)(1)(F)(ii)''.

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting '', but without regard to clause (ii) thereof'' after ''paragraph (7)(C)''.

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking ''all interest in the property is'' and inserting ''all interests in the property are''.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 3(d)(2)), are each amended—

(i) by striking ''interest'' and inserting ''interests'', and

(ii) by striking ''before'' and inserting ''on or before''.

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

''(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.''.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

''(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.''.

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.''.

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

''(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

''(i) IN GENERAL.—Net income from notional principal contracts.

''(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.''.

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 7(b)(1)(C), is amended by striking ''section 25C(e)'' and inserting ''section 25C(f)''.

(21) Paragraph (36) of section 1016(a), as redesignated by section 7(b)(1)(C), is amended by striking ''section 30C(f)'' and inserting ''section 30C(e)(1)''.

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking ''Section 1297(e)'' and inserting ''Section 1297(d)''.

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking '', section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)'' and inserting ''or section 1361(b)(3)(B)(ii)'', and

(B) by striking '', section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)'' in subparagraph (B) and inserting ''or section 1361(b)(3)(C)''.

(25) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(27) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(32) Subsection (b) of section 6046 is amended—

(A) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'', and

(B) by striking ''paragraph (2) or (3) of subsection (a)'' and inserting ''subparagraph (B) or (C) of subsection (a)(1)''.

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking ''the Canal Zone,''.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 34'' and inserting ''34, and 35''.

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(39) Subparagraph (C) of section 6707A(e)(2) is amended by striking ''section 6662A(e)(2)(C)'' and inserting ''section 6662A(e)(2)(B)''.

(40)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(41) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(42) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(43) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(44) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking ''enzymatic''.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting ''or (h)(1)'' after ''section 6050H(a)''.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting ''or (h)(2)'' after ''section 6050H(d)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(2) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking ''a controlled group'' and inserting ''an affiliated group''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking ''921'' and inserting ''921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking ''a cooperative described in section 927(a)(4)'' and inserting ''an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products''.

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

''(C) FSC.—The term 'FSC' has the meaning given such term by section 922.''.

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

''(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(5) Paragraph (4) of section 275(a) is amended by striking ''if'' and all that follows and inserting ''if the taxpayer chooses to take to any extent the benefits of section 901.''.

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(7)(A) Paragraph (4) of section 441(b) is amended by striking ''FSC or''.

(B) Subsection (h) of section 441 is amended—

(i) by striking ''FSC or'' each place it appears, and

(ii) by striking ''FSC'S AND'' in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma ''(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking ''a FSC (or a former FSC)'' in subclause (II) (as so redesignated) and inserting ''a former FSC (as defined in section 922)'', and

(C) by adding at the end the following:

''Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking ''FSC or''.

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking ''subparagraphs (J), (K), and (L)'' in the flush sentence at the end and inserting ''subparagraphs (I), (J), and (K)''.

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking ''section 956(c)(2)(J)'' and inserting ''section 956(c)(2)(I)''.

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting ''and'' at the end of subparagraph (C), and by striking '', and'' at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting ''(as defined in section 922)'' after ''a FSC'', and

(B) by adding at the end the following new sentence: ''Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking ''foreign trade income of a FSC or''.

(19)(A) Paragraph (1) of section 6011(c) is amended by striking ''or former DISC or a FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 383—HONORING AND RECOGNIZING THE ACHIEVEMENTS OF CARL STOKES, THE FIRST AFRICAN-AMERICAN MAYOR OF A MAJOR AMERICAN CITY, IN THE 40TH YEAR SINCE HIS ELECTION AS MAYOR OF CLEVELAND, OHIO

Mr. REID (for Mr. OBAMA (for himself, Mr. BROWN, and Mr. VOINOVICH)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 383

Whereas Carl Stokes was a pioneer in cultivating a positive climate for African-Americans to seek election to public office and made great strides toward improving race relations in a tumultuous period of United States history;

Whereas Carl Stokes was born on June 27, 1927, in Cleveland, Ohio to Charles and Louise Stokes;

Whereas Carl Stokes rose from poverty in Outhwaite Homes, Cleveland's first federally funded housing project for the poor, to be elected to the highest political office in Cleveland;

Whereas Carl Stokes earned his bachelor's degree from the University of Minnesota in 1954 and graduated from the Cleveland-Marshall College of Law in 1956, and was admitted to the Ohio State Bar in 1957;

Whereas, in 1962, Carl Stokes was elected to the Ohio General Assembly and served 3 terms as the first African-American Democrat to serve from Cuyahoga County;

Whereas, in 1967, relying on his ability to mobilize support that transcended racial divides, Carl Stokes was elected Mayor of Cleveland and became the first African-American mayor of a major American city;

Whereas, after declining to run for a 3rd term as Mayor of Cleveland, Carl Stokes became the first African-American to appear

daily as an anchorman on a New York City television outlet, WNBC-TV;

Whereas Carl Stokes served as a municipal judge in Cleveland from 1983 to 1994, completing a political career encompassing each branch of government; and

Whereas Carl Stokes maintained his dedication to public service throughout his life, serving as Ambassador to the Seychelles and representing the White House on numerous goodwill trips abroad until his death in 1996: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the pioneering career of Carl Stokes, who helped expand political opportunity for minorities by becoming the first African-American mayor of a major American city; and

(2) commemorates the 40th anniversary of the election of Carl Stokes as the Mayor of Cleveland and the first African-American mayor of a major American city, one of the most significant events in the American Civil Rights movement.

SENATE RESOLUTION 384—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. INHOFE, Mr. CRAIG, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mr. DEMINT, Mr. JOHNSON, Mr. THUNE, Mr. KERRY, Mr. CONRAD, Mr. LEVIN, Mrs. HUTCHISON, Mr. DURBIN, Mr. INOUYE, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 384

Whereas there are approximately 514,000 children in the foster care system in the United States, approximately 115,000 of whom are waiting for families to adopt them;

Whereas 52 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has increased by 41 percent since 1998, and nearly 25,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a recent survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas, while 3 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, nearly 17,000 children have joined forever families during National Adoption Day;

Whereas, in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas, on October 31, 2007, the President proclaimed November 2007 as National Adoption Month, and National Adoption Day is on November 17, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3679. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3680. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3609 submitted by Mr. CASEY (for himself and Mr. CARDIN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3681. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3682. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3683. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3684. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3685. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3686. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3687. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3688. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3689. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3690. Mr. REED submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3691. Mr. ENZI (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. CONRAD, Mr. JOHNSON, Mr. TESTER, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3692. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3693. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3694. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3695. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3696. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3697. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. GREGG, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3698. Mr. WYDEN submitted an amendment intended to be proposed by him to the

bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3699. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3700. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3701. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3702. Ms. SNOWE (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3703. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3704. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3705. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3706. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3707. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3708. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3709. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3710. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3711. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI, Mr. NELSON of Florida, Mr. SUNUNU, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3712. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3713. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3714. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3715. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3716. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3717. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3718. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3719. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3720. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3721. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3722. Mr. DURBIN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3723. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3724. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3725. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3726. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3727. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3728. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3730. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3731. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3732. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3733. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3734. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3735. Mrs. CLINTON (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3736. Mr. WYDEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3737. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3738. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3739. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3740. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3741. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3742. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3743. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3744. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3745. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3746. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3747. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3748. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3749. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3750. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3751. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3752. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3753. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3754. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. DURBIN, Mr. SCHUMER, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3755. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3756. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3757. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3758. Mr. SMITH (for himself, Mr. BARRASSO, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3759. Ms. SNOWE (for herself, Mr. SCHUMER, Mrs. CLINTON, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3760. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3761. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3762. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3763. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3764. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3765. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3766. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3767. Mr. NELSON, of Florida (for himself, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3768. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3769. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3770. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3771. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3772. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. CARDIN, Mr. ALLARD, Mr. SESSIONS, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3773. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3777. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3701 submitted by Mr. KYL (for himself and Mr. ALLARD) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3778. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3621 submitted by Mr. COLEMAN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3779. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3559 submitted by Mr. INOUYE (for himself and Mr. AKAKA) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3780. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3665 submitted by Mr. ENSIGN and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3781. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3645 submitted by Mr. ENSIGN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3782. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3783. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3679. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CHILDHOOD OBESITY STUDY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that there needs to be a coordinated effort to understand the various factors which impact childhood obesity including the effect of the subsidization of commodities on Federal nutrition programs as well as the role of marketing in childhood obesity.

(b) STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall—

(A) conduct a study to assess the effect of Federal nutrition assistance programs and agricultural policies on the prevention of childhood obesity, and prepare a report on the results of such study that shall include a description and evaluation of the content and impact of Federal agriculture subsidy and commodity programs and policies as such relate to Federal nutrition programs;

(B) make recommendations to guide or revise Federal policies for ensuring access to nutritional foods in Federal nutrition assistance programs; and

(C) complete the activities provided for under this section not later than 18 months after the date of enactment of this section.

(2) INSTITUTE OF MEDICINE STUDY.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall request that the Institute of Medicine (or similar organization) conduct a study and make recommendations on guidelines for nutritional food and physical activity advertising and marketing to prevent childhood obesity. In conducting such study the Institute of Medicine shall—

(i) evaluate children's advertising and marketing guidelines and evidence-based literature relating to the impact of advertising on nutritional foods and physical activity in children and youth; and

(ii) make recommendations on national guidelines for advertising and marketing practices relating to children and youth that—

(I) reduce the exposure of children and youth to advertising and marketing of foods of poor or minimal nutritional value and practices that promote sedentary behavior; and

(II) increase the number of media messages that promote physical activity and sound nutrition.

(B) GUIDELINES.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine shall submit to the appropriate committees of Congress the final report concerning the results of the study, and making the recommendations, required under this paragraph.

SA 3680. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3609 submitted by Mr. CASEY (for himself and Mr. CARDIN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 4 and insert the following:

(a) SAVINGS.—Any savings realized by the amendment made by subsection (b) shall be used by the Secretary to provide matching funds under section 524(b)(4)(C) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C) (as added by section 1921).

(b) ENTERPRISE AND WHOLE FARM UNITS.—Section 508(e) of the Federal Crop Insurance Act (7

SA 3681. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 73___. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 309 (as added by section 7402) the following:

"SEC. 310. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

''(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Henry A. Wallace Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

''(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

''(B) will enhance the use of the property;

''(C) will not permit any portion of Department agency property or any facility of the Department to be used for retail, wholesale, commercial, or residential development;

''(D) will not provide authority for the development or improvement of any new property or facility by any Department agency; and

''(E) will not include any property or facility required for any Department agency purpose without prior written authority.

''(2) TERM.—The term of the lease under this section shall not exceed 50 years.

''(3) CONSIDERATION.—

''(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(i) in an amount equal to fair market value, as determined by the Secretary; and

''(ii) in the form of cash.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(I) deposited in a capital asset account to be established by the Secretary; and

''(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities covered by the lease.

''(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

''(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

''(A) the project to be carried out on property or at a facility covered by the lease;

''(B) provision and administration of the lease;

''(C) construction of any applicable real property;

''(D) provision of applicable utilities; and

''(E) any other facility cost normally associated with the operation of a leased facility.

''(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any property or facility covered by a lease under this section.

''(c) EFFECT OF OTHER LAWS.—

''(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329–417).

''(d) REPORTS.—

''(1) FISCAL YEARS 2008 THROUGH 2013.—For each of fiscal years 2008 through 2013, 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 an annual report describing the implementation of the pilot program under this section during the preceding fiscal year, including—

''(A) a copy of each lease entered into pursuant to this section;

''(B) an assessment by the Secretary of the success of the pilot program in promoting the mission of the Beltsville Agricultural Research Center and the National Agricultural Library; and

''(C) recommendations regarding whether the pilot program should be expanded or improved with respect to other Department activities.

''(2) FISCAL YEAR 2014 AND THEREAFTER.—For fiscal year 2014 and every 5 fiscal years thereafter, 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 described in paragraph (1) relating to the preceding 5-fiscal-year period.''.

SA 3682. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 1704, strike subsection (c) and insert the following:

(c) MODIFICATION OF LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2009 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $500,000.

''(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(B) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.''.

In section 1704, add at the end the following:

(e) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from the amendment made by subsection (c) are used in the State in which the savings were realized to provide additional funding in that State for, as determined by the Secretary—

(1) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); or

(2) 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.).

SA 3683. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2017, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 30 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1942) for each of fiscal years 2008 through 2012.

SEC. 1942. 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 et seq.) (as amended by section 6028) is amended by adding at the end the following:

''SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

''(a) 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 rural health facility 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 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 in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

''(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

''(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

''(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

''(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

''(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

''(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

''(F) a physician or physician group practice that is located in a rural area.

''(b) ESTABLISHMENT OF PROGRAM.—Using amounts provided under section 1941(b) of the Food and Energy Security Act of 2007, the Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

''(1) purchasing health information technology to improve the quality of health care or patient safety; or

''(2) otherwise improving the quality of health care or patient safety, including through the development of—

''(A) quality improvement support structures to assist rural health facilities and professionals—

''(i) to increase integration of personal and population health services; and

''(ii) to 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.

''(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

''(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

''(1) to evaluate the project for which the grant is used; and

''(2) to ensure that the grant is expended for the purposes for which the grant was provided.''.

SA 3684. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 172, strike line 5 and all that follows through page 173, line 12 and insert the following:

''(a) PROGRAM REQUIRED.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of Agriculture (referred to in this section as the 'Secretary') 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.

''(2) IDENTIFICATION OF CERTAIN REGIONS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall identify regions in which a dairy producer has 3 or less viable purchasers of milk within typical transportation distances, as determined by the Secretary.

''(B) LIMITATION.—Subject to subparagraph (C), in establishing the program under paragraph (1), the Secretary shall allow producers and cooperative associations in regions identified by the Secretary under subparagraph (A) to enter into forward contracts for not more than 50 percent of the annual purchases of the producers and cooperative associations.

''(C) MODIFICATIONS.—If the Secretary determines that it could improve competition or make anti-competitive behavior less likely, the Secretary may—

''(i) increase the number of viable purchasers that may be considered under subparagraph (A); or

''(ii) decrease the percentage of forward contracts described in subparagraph (B).

''(3) SUBMISSION OF CONTRACTS.—

''(A) IN GENERAL.—As a condition of entering into a forward price contract described in paragraph (1), not later than 30 days after the date on which a milk producer or cooperative association of producers enters into the contract, the milk handler shall submit to the Secretary—

''(i) a copy of the contract; and

''(ii) such other supporting information as is necessary for the Secretary to fulfill the reporting requirements of subsection (f), as determined by the Secretary.

''(B) ADMINISTRATION.—Section 8d applies to a contract submitted under subparagraph (A).'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PILOT''; and

(B) in paragraph (1), by striking ''pilot'';

(4) by striking subsections (d) and (e); and

(5) by adding at the end the following:

''(d) VOLUNTARY PROGRAM.—

''(1) IN GENERAL.—A milk handler may not require participation in a forward price contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

''(2) EFFECT OF NONPARTICIPATION.—A producer or cooperative association that does not enter into a forward price contract may

continue to have milk priced under the minimum payment provisions of the applicable milk marketing order.

''(3) COMPLAINTS.—The Secretary shall—

''(A) investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward price contracts; and

''(B) if the Secretary finds evidence of coercion, take appropriate action.

''(e) DURATION.—No forward price contract under this section may—

''(1) be entered into after September 30, 2012; or

''(2) may extend beyond September 30, 2015.

''(f) REPORTING REQUIREMENTS.—

''(1) MONTHLY PRICE AND VOLUME REPORTS.—Each month, the Secretary shall make available to the public a report containing statistics on the volume and price of forward contracts during the preceding month, organized by—

''(A) State, if the number of contracts in the State is large enough to maintain confidentiality, as determined by the Secretary; or

''(B) region.

''(2) ANNUAL REPORT.—Each year, the Secretary shall make available to the public a report that—

''(A) includes a summary and analysis of the monthly price reports;

''(B) analyzes contract terms and price differentials based on the volume and length of the forward contracts; and

''(C) describes, by State or smaller area if possible (as determined by the Secretary), the percentage of milk under forward contracts.''.

SA 3685. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11____. GAO REPORT ON ACCESS TO HEALTH CARE FOR FARMERS.

(a) REPORT.—Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report on access to health care for rural Americans and farmers.

(b) CONSULTATION.—The report shall be done in consultation with the Rural Health Research Centers in the Department of Health and Human Services Office of Rural Health Policy.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of access to health care for rural Americans, including the following:

(A) An overview of the rates of the uninsured among people living in rural areas in the United States and possible factors that cause the uninsurance, specifically—

(i) a synthesis of existing research on the uninsured living in rural America; and

(ii) a detailed analysis of the uninsured and the factors that contribute in uninsurance in 3 to 4 rural areas.

(2) SECOND ASSESSMENT.—An assessment of access to health care for farmers, including the following:

(A) An overview of the rates of the uninsured among farmers in the United States and the factors that cause the uninsurance, specifically—

(i) factors, such as land assets, that keep low-income farmers from qualifying for public insurance programs;

(ii) the effects of the high price of health insurance for individuals purchasing in the individual, non-group market; and

(iii) any other significant factor that contributes to the rates of uninsurance among farmers.

(B) The extent to which farmers depend on a spouse's off-farm job for health care coverage.

(C) The effects of uninsurance on farmers and their families.

(3) ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress in supporting increased access to health insurance for farmers and their families, and rural Americans.

SA 3686. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1208, between lines 10 and 11, insert the following:

SEC. 10004. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

(a) IN GENERAL.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle E—Ginseng

"SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

''(a) DEFINITIONS.—In this section:

''(1) GINSENG.—The term 'ginseng' means a plant classified within the genus Panax.

''(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) DISCLOSURE.—

''(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity or dehydrated whole root shall disclose to a potential purchaser the country of harvest of the ginseng.

''(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity or dehydrated whole root into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested.

''(c) MANNER OF DISCLOSURE.—

''(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

''(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

''(A) retain the means of disclosure provided under subsection (b); and

''(B) provide the received means of disclosure to a consumer of ginseng.

''(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

''(d) FINES.—The Secretary may, after providing notice and an opportunity for a hearing before the Secretary, fine a person subject to subsection (b), or a person supplying ginseng to such a person, in an amount of not more than $1,000 for each violation if the Secretary determines that the person—

''(1) has not made a good faith effort to comply with subsection (b); and

''(2) continues to willfully violate subsection (b).

''(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SA 3687. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1391, strike line 24 and all that follows through page 1392, line 7, and insert the following:

''(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to the excess of—

''(A) 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States, over

''(B) the sum of any amounts appropriated and designated as an emergency requirement during such fiscal years for assistance payments to eligible producers with respect to any losses described in subsections (b), (c), (d), or (e) of section 901.

SA 3688. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Housing Assistance Council Authorization Act of 2007''.

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) AUDIT.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SA 3689. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 12, insert the following:

(c) EFFECT OF SECTION.—Nothing in this section or an amendment made by this section limits the authority of any State to enforce a requirement that is more stringent than the requirements of this section and the amendment made by this section, if the State requirement is in existence on the date of enactment of this Act.

SA 3690. Mr. REED submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. INCLUSION OF SUBAQUEOUS SOILS.

Section 9 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590i) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary is authorized to'' and inserting the following:

''SEC. 9. SURVEYS, INVESTIGATIONS, AND REPORTS.

''(a) IN GENERAL.—The Secretary may'';

(2) in the second sentence, by striking ''Notwithstanding'' and inserting the following:

''(b) PUBLICATION OF INFORMATION.—Notwithstanding''; and

(3) by adding at the end the following:

''(c) INCLUSION OF SUBAQUEOUS SOILS.—

''(1) DEFINITION OF SUBAQUEOUS SOIL.—In this subsection, the term 'subaqueous soil' means any soil that forms in a shallow (typically less than 2.5 meters deep), permanently flooded environment.

''(2) REQUIREMENT.—In carrying out a soil survey pursuant to this Act, the Secretary shall include an analysis of subaqueous soils in the region subject to the survey, as applicable.

''(3) STANDARDS.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of this subsection, the Secretary, acting through the Chief of the Natural Resources Conservation Service, shall develop standards (including protocols, nomenclature, and interpretive materials) for the collection and maintenance of information relating to subaqueous soils in the United States for purposes of this subsection.

''(B) CONSULTATION.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall develop the standards under subparagraph (A) in consultation with appropriate Federal, State, and local agencies, nongovernmental organizations, and institutions of higher education.

''(4) CENTER FOR SUBAQUEOUS SOIL MAPPING, RHODE ISLAND.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall establish a center for subaqueous soil mapping in the State of Rhode Island.

''(B) DUTIES.—The center established under subparagraph (A) shall—

''(i) provide technology transfer leadership relating to subaqueous soil mapping throughout the United States, including by developing standards (including protocols, nomenclature, and interpretive materials) and mapping technologies relating to subaqueous soil mapping; and

''(ii) provide training and information to—

''(I) soil scientists employed by the Natural Resources Conservation Service; and

''(II) other individuals and entities involved in subaqueous soil mapping.''.

SA 3691. Mr. ENZI (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. CONRAD, Mr. JOHNSON, Mr. TESTER, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1234, between lines 11 and 12, insert the following:

SEC. 102___. LIMITATION ON USE OF FORWARD CONTRACTS.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192) (as amended by section 10207(a)), is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

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

''(g)(1) Use, in effectuating any sale of livestock, a forward contract that—

''(A) does not contain a firm base price that may be equated to a fixed dollar amount on the day on which the forward contract is entered into;

''(B) is not offered for bid in an open, public manner under which—

''(i) buyers and sellers have the opportunity to participate in the bid; more than 1 blind bid is solicited; and buyers and sellers may witness bids that are made and accepted;

''(ii) is based on a formula price; or

''(iii) provides for the sale of livestock in a quantity in excess of—

''(I)(aa) in the case of cattle, 40 cattle;

''(bb) in the case of swine, 30 swine; and

''(cc) in the case of other types of livestock, a comparable quantity of the type of livestock determined by the Secretary; or

''(II) such other quantity, as determined appropriate by the Secretary, except that

''(2) paragraph (1) shall not apply to—

''(A) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(i) own, feed, or control livestock; and

''(ii) provide the livestock to the cooperative for slaughter;

''(B) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(C) a packer that owns 1 livestock processing plant;''.

(b) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) (as amended by section 10203) is amended—

(1) by redesignating paragraphs (5) through (18) as paragraphs (7) through (20), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) FORMULA PRICE.—

''(A) IN GENERAL.—The term 'formula price' means any price term that establishes a base from which a purchase price is calculated on the basis of a price that will not be determined or reported until a date after the day the forward price is established.

''(B) EXCLUSION.—The term 'formula price' does not include—

''(i) any price term that establishes a base from which a purchase price is calculated on the basis of a futures market price; or

''(ii) any adjustment to the base for quality, grade, or other factors relating to the value of livestock or livestock products that are readily verifiable market factors and are outside the control of the packer.

''(6) FORWARD CONTRACT.—The term 'forward contract' means an oral or written contract for the purchase of livestock that provides for the delivery of the livestock to a packer at a date that is more than 7 days after the date on which the contract is entered into, without regard to whether the contract is for—

''(A) a specified lot of livestock; or

''(B) a specified number of livestock over a certain period of time.''.

SA 3692. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

Subtitle G—Temporary Repeal of Individual AMT

SEC. 12701. TEMPORARY REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

''For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2006, and before January 1, 2009, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

''(c) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

''(B) the tentative minimum tax for the taxable year.

''(2) TAXABLE YEARS BEGINNING AFTER 2006 AND BEFORE 2009.—In the case of any taxable year beginning after 2006 and before 2009, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subtitle H—Extension of Certain Expiring Provisions Through 2009

SEC. 12801. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to qualified clinical testing expenses) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 12802. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12803. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 12804. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 12805. MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2007.

SEC. 12806. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12807. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12808. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12809. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12810. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 12811. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12812. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12813. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 12814. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 12815. EXTENSION AND MODIFICATION OF CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subsection (e) of section 1397E (relating to limitation on amount of bonds designated) is amended by striking ''1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007'' and inserting ''each of calendar years 1998 through 2009''.

(b) MODIFICATION OF ARBITRAGE RULES.—

(1) IN GENERAL.—Subsection (g) of section 1397E (relating to special rules relating to arbitrage) is amended to read as follows:

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(2) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any investment of available project proceeds during the 5-year period described in subsection (f)(1)(A) (including any extension of such period under subsection (f)(2)).

''(3) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any fund which is expected to be used to repay such issue if—

''(A) such fund is funded at a rate not more rapid than equal annual installments,

''(B) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under subparagraph (C), and

''(C) the yield on such fund is not greater than the discount rate determined under subsection (d)(3) with respect to the issue.''.

(2) APPLICATION OF AVAILABLE PROJECT PROCEEDS TO OTHER REQUIREMENTS.—Subsections (d)(1)(A), (d)(2)(A), (f)(1)(A), (f)(1)(B), (f)(1)(C), and (f)(3) of section 1397E are each amended by striking ''proceeds'' and inserting ''available project proceeds''

(3) AVAILABLE PROJECT PROCEEDS DEFINED.—Subsection (i) of section 1397E (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).''.

(c) EFFECTIVE DATE.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2007.

(2) MODIFICATION OF ARBITRAGE RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 12816. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 12817. DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12818. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12819. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12820. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after December 31, 2007.

SEC. 12821. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''January 1, 2008'' each place it appears and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 12822. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 12823. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for services furnished after December 31, 2007.

SEC. 12824. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12825. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 12826. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 12827. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 12828. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 12829. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 12830. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) TECHNICAL AMENDMENT RELATED TO SECTION 1203 OF THE PENSION PROTECTION ACT OF 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b)shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

SEC. 12831. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 12832. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 12833. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 12834. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 12835. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 12836. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is

amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 12837. DISCLOSURE OF RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS.

(a) IN GENERAL.—The last sentence of paragraph (7) of section 6103(l) is amended by striking ''September 30, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 12838. RETURNS RELATING TO APPLICABLE INSURANCE CONTRACTS IN WHICH CERTAIN EXEMPT ORGANIZATIONS HOLD INTERESTS.

(a) IN GENERAL.—Section 6050V(e) (relating to termination) is amended by striking ''the date which is 2 years after the date of the enactment of this section'' and insert ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to reportable acquisitions occurring after August 17, 2008.

SEC. 12839. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2008.

SEC. 12840. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2008.

SEC. 12841. TREATMENT OF CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2008.

SEC. 12842. CONTROLLED FOREIGN CORPORATIONS.

(a) SUBPART F EXCEPTION FOR ACTIVE FINANCING.—

(1) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(A) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(B) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(2) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SA 3693. Mr. DEMINT submitted an amendment intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

Subtitle G—Repeal of Federal Estate and Gift Taxes

SEC. 12701. REPEAL OF FEDERAL ESTATE AND GIFT TAXES.

(a) IN GENERAL.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate, gift, and generation-skipping taxes) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation-skipping transfers made after the date of the enactment of this Act.

SA 3694. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 246, strike line 23 and all that follows through page 247, line 2, and insert the following:

''(c) MINIMUM GRANT AMOUNT.—

''(1) IN GENERAL.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least ½ of 1 percent of the total amount of funding made available to carry out this section for the fiscal year.

''(2) ELIGIBILITY OF SEAFOOD.—For purposes of providing grants to States under this subsection only, seafood shall be considered to be a specialty crop.'';

SA 3695. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 187, strike line 8 and all that follows through page 209, line 18, and insert the following:

SEC. 1703. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(A) IN GENERAL.—The term 'entity' means—

''(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b) or (c);

''(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

''(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

''(B) EXCLUSION.—The term 'entity' does not include a general partnership or joint venture.

''(C) ESTATES.—In promulgating regulations to define the term 'entity' as the term applies to estates, the Secretary shall ensure that fair and equitable treatment is given to estates and the beneficiaries of estates.

''(D) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term 'entity' as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.

''(2) INDIVIDUAL.—The term 'individual' means—

''(A) a natural person, and any minor child of the natural person (as determined by the Secretary), who, subject to the requirements of this section and section 1001A, is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d); and

''(B) a natural 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).'';

(2) by striking subsection (b) and inserting the following:

''(b) LIMITATION ON DIRECT PAYMENTS.—The total amount of direct payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(2) of that Act, shall not exceed $20,000.'';

(3) by striking subsection (c) and inserting the following:

''(c) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A or C of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(3) of that Act, shall not exceed $30,000.'';

(4) by striking subsection (d) and inserting the following:

''(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that an individual or entity may receive during any crop year may not exceed $75,000:

''(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities and peanuts under part II of subtitle A of title I of the Food and Energy Security Act of 2007 at a lower level than the original loan rate established for the loan commodity under that subtitle.

''(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities and peanuts under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

''(2) Any loan deficiency payments received for 1 or more loan commodities and peanuts under that subtitle.

''(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities and peanuts, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle or section 1307 of that Act (7 U.S.C. 7957).'';

(5) by striking subsection (e);

(6) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively;

(7) by inserting after subsection (d) the following:

''(e) PAYMENTS TO INDIVIDUALS AND ENTITIES.—Notwithstanding, subsections (b) through (d), an individual or entity may receive, directly or indirectly, through all ownership interests of the individual or entity, from all sources, payments or gains (as applicable) for a crop year that shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (d), if an individual or entity participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the farming operation, the total amount of payments or gains (as applicable) covered by this section that the individual or entity may receive during any crop year shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(g) SPOUSAL EQUITY.—

''(1) IN GENERAL.—Notwithstanding subsections (b) through (f), except as provided in paragraph (2), if an individual and the spouse of the individual are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the individual and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(2) EXCEPTIONS.—

''(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate individual with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

''(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.

''(h) ATTRIBUTION OF PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to ensure that all payments or gains (as applicable) are attributed to an individual by taking into account the direct and indirect ownership interests of the individual in an entity that is eligible to receive such payments or gains (as applicable).

''(2) PAYMENTS TO AN INDIVIDUAL.—Every payment made directly to an individual shall be combined with the individual's pro rata interest in payments received by an entity or entities in which the individual has a direct or indirect ownership interest.

''(3) PAYMENTS TO AN ENTITY.—

''(A) IN GENERAL.—Every payment or gain (as applicable) made to an entity shall be attributed to those individuals who have a direct or indirect ownership in the entity.

''(B) ATTRIBUTION OF PAYMENTS.—

''(i) PAYMENT LIMITS.—Except as provided by clause (ii), payments or gains (as applicable) made to an entity shall not exceed twice the amounts specified in subsections (b) through (d).

''(ii) EXCEPTION.—Payments or gains (as applicable) made to a joint venture or a general partnership shall not exceed, for each payment or gain (as applicable) specified in subsections (b) through (d), the amount determined by multiplying twice the maximum payment amount specified in subsections (b), (c), and (d) by the number of individuals and entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

''(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED ENTITIES.—

''(A) IN GENERAL.—Attribution of payments or gains (as applicable) made to entities shall be traced through 4 levels of ownership in entities.

''(B) FIRST LEVEL.—Any payments or gains (as applicable) made to an entity (a first-tier entity) that is owned in whole or in part by an individual shall be attributed to the individual in an amount that represents the direct ownership in the first-tier entity by the individual.

''(C) SECOND LEVEL.—

''(i) IN GENERAL.—Any payments or gains (as applicable) made to a first-tier entity that is owned in whole or in part by another entity (a second-tier entity) shall be attributed to the second-tier entity in proportion to the ownership interest of the second-tier entity in the first-tier entity.

''(ii) OWNERSHIP BY INDIVIDUAL.—If the second-tier entity is owned in whole or in part by an individual, the amount of the payment made to the first-tier entity shall be attributed to the individual in the amount the Secretary determines to represent the indirect ownership in the first-tier entity by the individual.

''(D) THIRD AND FOURTH LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments or gains (as applicable) at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

''(ii) FOURTH-TIER OWNERSHIP BY ENTITY.—If the fourth-tier of ownership is that of a fourth-tier entity, the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that the Secretary determines to represent the indirect ownership in the first-tier entity by the fourth-tier entity.''; and

(8) in subsection (i) (as redesignated by paragraph (6)), by striking ''person'' and inserting ''individual or entity''.

(b) SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

''(a) SUBSTANTIVE CHANGE.—

''(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of individuals or entities (as defined in section 1001(a)) to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

''(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member (as defined in subsection (b)(2)(A)) to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

''(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 individual or entity, including the individual or entity that exercises primary control over the farming operation, including to respond to—

''(A)(i) any instance in which ownership of a farming operation is transferred to an individual or entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more entities at less than fair market value; and

''(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

''(B) a sale or exchange of any asset or ownership interest in 1 or more entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) through (d) of section 1001 with respect to a particular farming operation, an individual or entity (as defined in section 1001(a)) shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).'';

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) DEFINITIONS.—In this paragraph:

''(i) ACTIVE PERSONAL MANAGEMENT.—The term 'active personal management' means, with respect to an individual, administrative duties carried out by the individual for a farming operation—

''(I) that are personally provided by the individual on a regular, substantial, and continuing basis; and

''(II) relating to the supervision and direction of—

''(aa) activities and labor involved in the farming operation; and

''(bb) onsite services directly related and necessary to the farming operation.

''(ii) FAMILY MEMBER.—The term 'family member', with respect to an individual participating in a farming operation, means an individual who is related to the individual as a lineal ancestor, a lineal descendant, or a sibling (including a spouse of such an individual).

''(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

''(i) An individual shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the individual makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

''(aa) capital, equipment, or land; and

''(bb) personal labor and active personal management;

''(II) the share of the individual of the profits or losses from the farming operation is commensurate with the contributions of the individual to the operation; and

''(III) a contribution of the individual is at risk.

''(ii) An entity shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

''(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the entity each make a significant contribution of personal labor and active personal management to the operation; or

''(bb) in the case of an entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the entity makes a significant contribution of personal labor or active personal management; and

''(III) the entity meets the requirements of subclauses (II) and (III) of clause (i).'';

(ii) in subparagraph (C), by striking ''and the standards provided'' and all that follows through ''active personal management'' and inserting ''the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i)''; and

(iii) by adding at the end the following:

''(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), an individual shall be considered to be providing, on behalf of the individual or an entity, a significant contribution of personal labor or active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

''(I) 1,000 hours; and

''(II) a period of time equal to—

''(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

''(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in an entity in which all of the beneficial interests are held by family members, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

''(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of an individual or entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.'';

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) LANDOWNERS.—An individual or entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

''(i) the landowner share-rents the land at a rate that is usual and customary; and

''(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.'';

(ii) in subparagraph (B)—

(I) in the first sentence—

(aa) by striking ''persons, a majority of whom are individuals who'' and inserting ''individuals who are family members, or an entity the majority of the stockholders or members of which''; and

(bb) by striking ''standards provided in clauses (ii) and (iii) of paragraph (2)(A)'' and inserting ''requirements of subclauses (II) and (III) of paragraph (2)(B)(i)''; and

(II) by striking the second sentence; and

(iii) in subparagraph (C), by striking ''standards provided in clauses (ii) and (iii) of paragraph (2)(A)'' and inserting ''requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food and Energy Security Act of 2007'';

(D) in paragraph (4)—

(i) in the paragraph heading, by striking ''PERSONS'' and inserting ''INDIVIDUALS AND ENTITIES'';

(ii) in the matter preceding subparagraph (A), by striking ''persons'' and inserting ''individuals and entities''; and

(iii) by striking subparagraph (B) and inserting the following:

''(B) OTHER INDIVIDUALS AND ENTITIES.—Any other individual or entity, or class of individuals or entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.'';

(E) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(F) by inserting after paragraph (4) the following:

''(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for individuals or entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001.''; and

(G) in paragraph (6) (as redesignated by subparagraph (E))—

(i) in the first sentence—

(I) by striking ''A person'' and inserting ''An individual or entity''; and

(II) by striking ''such person'' and inserting ''the individual or entity''; and

(ii) by striking the second sentence; and

(3) by adding at the end the following:

''(c) NOTIFICATION BY ENTITIES.—To facilitate the administration of this section, each entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

''(1) notify each individual or other entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

''(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires such a beneficial interest.''.

(c) SCHEMES OR DEVICES.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''If'';

(2) in subsection (a) (as designated by paragraph (1)), by striking ''person'' each place it appears and inserting ''individual or entity''; and

(3) by adding at the end the following:

''(b) EXTENDED INELIGIBILITY.—If the Secretary determines that an individual or entity, for the benefit of the individual or entity or of any other individual or 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 5 crop years deny the issuance of payments to the individual or entity.

''(c) FRAUD.—If fraud is committed by an individual or entity in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the individual or entity shall be ineligible to receive farm program payments described as being subject to limitation in subsection (b), (c), or (d) of section 1001 for—

''(1) the crop year for which the scheme or device is adopted; and

''(2) the succeeding 5 crop years.

''(d) JOINT AND SEVERAL LIABILITY.—Any individual or entity that participates in a scheme or device described in subsection (a) or (b) shall be jointly and severally liable for any and all overpayments resulting from the scheme or device, and subject to program ineligibility resulting from the scheme or device, regardless of whether a particular individual or entity was a payment recipient.

''(e) WAIVER AUTHORITY.—

''(1) IN GENERAL.—The Secretary may fully or partially release an individual or entity from liability for repayment of program proceeds under subsection (d) if the individual or entity cooperates with the Department of Agriculture by disclosing a scheme or device to evade section 1001, 1001A, or 1001C or any other provision of law administered by the Secretary that imposes a payment limitation.

''(2) DISCRETION.—The decision of the Secretary under this subsection is vested in the sole discretion of the Secretary.''.

(d) FOREIGN INDIVIDUALS AND ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.—Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308–3) is amended—

(1) in the section heading, by striking ''**PERSONS**'' and inserting ''**INDIVIDUALS AND ENTITIES**'';

(2) in subsection (a), by striking ''person'' each place it appears and inserting ''individual'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''CORPORATION OR OTHER''; and

(B) in the first sentence—

(i) by striking ''a corporation or other entity shall be considered a person that'' and inserting ''an entity''; and

(ii) by striking ''persons'' both places it appears and inserting ''individuals''; and

(4) in subsection (c), by striking ''person'' and inserting ''entity or individual''.

(e) TREATMENT OF MULTIYEAR PROGRAM CONTACT PAYMENTS.—Section 1001F of the Food Security Act of 1985 (7 U.S.C. 1308–5) is repealed.

(f) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) (as amended by section 1812), an additional $5,000,000 for each of fiscal years 2009 through 2011;

(2) the national organic certification cost-share program established under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) (as amended by section 1823), an additional $3,000,000 for fiscal year 2012;

(3) the farmland 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.) (commonly known as the ''Farm and Ranch Lands Protection Program''), an additional—

(A) $17,000,000 for each of fiscal years 2009 and 2010; and

(B) $18,000,000 for fiscal year 2011;

(4) 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.), an additional $45,000,000 for the period of fiscal years 2008 through 2012;

(5) the availability of commodities for the emergency food assistance program under section 27(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2036(a)) (as amended by section 4110(a)), an additional $63,000,000 for each of fiscal years 2013 through 2017;

(6) the emergency food assistance program under section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) (as amended by section 4802(a)), an additional—

(A) $13,000,000 for fiscal year 2009;

(B) $14,000,000 for each of fiscal years 2010 and 2011; and

(C) $15,000,000 for fiscal year 2012;

(7) the improvements to the food and nutrition program made by sections 4103, 4108, 4110(a)(2), 4208, and 4801(g) (and the amendments made by those sections) without regard to section 4908(b);

(8) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2009 through 2012;

(9) the determination on the merits of Pigford claims under section 5402, an additional $20,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 and 2010 (including by providing an increased maximum amount under subsection (c)(2) of that section of $200,000,000);

(10) the rural microenterprise assistance program established under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022), an additional $40,000,000 for fiscal year 2009; and

(11) 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) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2009 through 2012.

SA 3696. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Disaster Loan Program

SEC. 11101. SHORT TITLE.

This subtitle may be cited as the ''Small Business Disaster Response and Loan Improvements Act of 2007''.

SEC. 11102. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Small Business Act catastrophic national disaster'' means a Small Business Act catastrophic national disaster declared under section 7(b)(11) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(3) the term ''declared disaster'' means a major disaster or a Small Business Act catastrophic national disaster;

(4) the term ''disaster area'' means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(5) the term ''disaster loan program of the Administration'' means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(6) the term ''disaster update period'' means the period beginning on the date on which the President declares a major disaster or a Small Business Act catastrophic national disaster and ending on the date on which such declaration terminates;

(7) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(8) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(9) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 11121. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.''.

SEC. 11122. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this Act, the following:

''(5) INCREASED LOAN CAPS.—

''(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

''(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.''.

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting ''of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)'' after ''20 per centum''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the, Administration'' and inserting ''the Administration'';

(2) in paragraph (2)(A), by striking ''Disaster Relief and Emergency Assistance Act'' and inserting ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in this subsection referred to as a 'major disaster')''; and

(3) in the undesignated matter at the end—

(A) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(B) by striking '', (2), or (4)'' and inserting ''(2)''.

SEC. 11123. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking ''as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability'' and inserting ''due to events that have resulted or will result in, business or government facility downsizing or closing''; and

(2) by adding at the end ''At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.''.

SEC. 11124. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''At the discretion'' and inserting the following: ''SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DURING DISASTERS.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

SEC. 11125. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may carry out subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon

conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 11126. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 11127. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007''.

SEC. 11128. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking ''$10,000 or less'' and inserting ''$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a Small Business Act catastrophic national disaster declared under subsection (b)(11))''.

SEC. 11129. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

''(6) COORDINATION WITH FEMA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a Small Business Act catastrophic national disaster) declared under this subsection or major disaster, the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

''(B) DEADLINES.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including a Small Business Act catastrophic national disaster), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

''(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

''(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

''(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

''(7) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a Small Business Act catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

''(A) the date of such declaration;

''(B) cities and towns within the area of such declaration;

''(C) loan application deadlines related to such disaster;

''(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

''(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

''(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

''(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.''.

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 11130. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 11131. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

''(8) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

''(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the contractor a fee for each loan processed.

''(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.''.

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 11132. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the ''disaster response plan'') to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than 6 months after the date of the submission of the report under subsection (a)(2), the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 11133. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The Administrator shall specifically assign the disaster planning responsibilities described in subsection (b) to an employee of the Administration who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) shall report directly to the Administrator; and

(3) has a background and expertise demonstrating significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The responsibilities described in this subsection are—

(1) creating and maintaining the comprehensive disaster response plan of the Administration;

(2) ensuring in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing Administration training exercises, including mock disaster responses, with other Federal agencies; and

(4) other responsibilities, as determined by the Administrator.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an employee under subsection (a);

(2) information detailing the background and expertise of the employee assigned under subsection (a); and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 11134. ADDITIONAL AUTHORITY FOR DISTRICT OFFICES OF THE ADMINISTRATION.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

''(9) USE OF DISTRICT OFFICES.—In the event of a major disaster, the Administrator may authorize a district office of the Administration to process loans under paragraph (1) or (2).''.

(b) DESIGNATION.—

(1) IN GENERAL.—The Administrator may designate an employee in each district office of the Administration to act as a disaster loan liaison between the disaster processing center and applicants under the disaster loan program of the Administration.

(2) RESPONSIBILITIES.—Each employee designated under paragraph (1) shall—

(A) be responsible for coordinating and facilitating communications between applicants under the disaster loan program of the Administration and disaster loan processing staff regarding documentation and information required for completion of an application; and

(B) provide information to applicants under the disaster loan program of the Administration regarding additional services and benefits that may be available to such applicants to assist with recovery.

(3) OUTREACH.—In providing outreach to disaster victims following a declared disaster, the Administrator shall make disaster victims aware of—

(A) any relevant employee designated under paragraph (1); and

(B) how to contact that employee.

SEC. 11135. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9), as added by this Act, the following:

''(10) DISASTER ASSISTANCE EMPLOYEES.—

''(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

''(i) in the Office of the Disaster Assistance is not fewer than 800; and

''(ii) in the Disaster Cadre of the Administration is not fewer than 750.

''(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

''(i) detailing staffing levels on that date;

''(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

''(iii) containing such additional information, as determined appropriate by the Administrator.''.

PART II—DISASTER LENDING

SEC. 11141. SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

''(11) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTERS.—

''(A) IN GENERAL.—The President may make a Small Business Act catastrophic national disaster declaration in accordance with this paragraph.

''(B) PROMULGATION OF RULES.—

''(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, with the concurrence of the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a Small Business Act catastrophic national disaster declaration.

''(ii) CONSIDERATIONS.—In promulgating the regulations required under clause (i), the Administrator shall establish a threshold that—

''(I) requires that the incident for which the President declares a Small Business Act catastrophic national disaster declaration under this paragraph has resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

''(II) requires that the President declares a major disaster before making a Small Business Act catastrophic national disaster declaration under this paragraph;

''(III) requires consideration of—

''(aa) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

''(bb) the number of small business concerns damaged, physically or economically, as a direct result of the event;

''(cc) the number of individuals and households displaced from their predisaster residences by the event;

''(dd) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

''(ee) the anticipated length and difficulty of the recovery process;

''(ff) whether the events leading to the relevant major disaster declaration are of an unusually large and calamitous nature that is orders of magnitude larger than for an average major disaster; and

''(gg) any other factor determined relevant by the Administrator.

''(C) AUTHORIZATION.—If the President makes a Small Business Act catastrophic national disaster declaration under this paragraph, the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that Small Business Act catastrophic national disaster.

''(D) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).''.

SEC. 11142. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) PRIVATE DISASTER LOANS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'disaster area' means any area for which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) that subsequently results in the President making a Small Business Act catastrophic national disaster declaration under subsection (b)(11);

''(B) the term 'eligible small business concern' means a business concern that is—

''(i) a small business concern, as defined in this Act; or

''(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

''(C) the term 'qualified private lender' means any privately-owned bank or other

lending institution that the Administrator determines meets the criteria established under paragraph (9).

''(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

''(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

''(4) ONLINE APPLICATIONS.—

''(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

''(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

''(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

''(5) MAXIMUM AMOUNTS.—

''(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

''(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

''(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

''(A) 15 years for any loan that is issued without collateral; and

''(B) 25 years for any loan that is issued with collateral.

''(7) FEES.—

''(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

''(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

''(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

''(9) IMPLEMENTATION REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

''(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(10) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

''(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the rate of interest for any loan guaranteed under this subsection by not more than 3 percentage points.

''(11) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender to purchase any loan issued under this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 11143. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(B) in paragraph (2)—

(i) by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(ii) by striking ''7(e),''; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking ''That the provisions of paragraph (1) of subsection (c)'' and inserting ''That the provisions of paragraph (1) of subsection (d)''; and

(B) by striking ''Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c),'' and inserting ''Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)''.

SEC. 11144. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''immediate disaster assistance'' means assistance provided during the period beginning on the date on which the President makes a Small Business Act catastrophic disaster declaration under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term ''program'' means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 11145. HUBZONES.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''or'';

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(F) areas in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8); or

''(G) Small Business Act catastrophic national disaster areas.'';

(2) in paragraph (4), by adding at the end the following:

''(E) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER AREA.—

''(i) IN GENERAL.—The term 'Small Business Act catastrophic national disaster area' means an area—

''(I) affected by a Small Business Act catastrophic national disaster declared under section 7(b)(11), during the time period described in clause (ii); and

''(II) for which the Administrator determines that designation as a HUBZone would substantially contribute to the reconstruction and recovery effort in that area.

''(ii) TIME PERIOD.—The time period for the purposes of clause (i)—

''(I) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

''(II) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subclause (I).''; and

(3) by adding at the end the following:

''(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

''(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

''(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.''.

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

''(iii)(I) For purposes of this subparagraph, if the Administrator designates an area as a HUBZone under section 3(p)(4)(E)(i)(II), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

''(aa) that is participating in any program, activity, or contract under section 8(a); and

''(bb) the principal place of business of which is located in that area.

''(II) The time period for purposes of subclause (I)—

''(aa) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

''(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).''.

(c) STUDY OF HUBZONE DISASTER AREAS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives evaluating the designation by the Administrator of Small Business Act catastrophic national disaster areas, as that term is defined in section 3(p)(4)(E) of the Small Business Act (as added by this Act), as HUBZones.

PART III—DISASTER ASSISTANCE OVERSIGHT

SEC. 11161. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(e) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under

the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

SA 3697. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. GREGG, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 82____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

''(f) PLANT.—

''(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

''(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

''(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

''(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).'';

(B) in subsection (h), by inserting ''also'' after ''plants the term''; and

(C) by striking subsection (j) and inserting the following:

''(j) TAKE.—The term 'take' means—

''(1) to capture, kill, or collect; and

''(2) with respect to a plant, also to harvest, cut, log, or remove.'';

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) to possess any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(B) by adding at the end the following:

''(f) PLANT DECLARATIONS.—

''(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

''(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

''(B) a description of—

''(i) the value of the importation; and

''(ii) the quantity, including the unit of measure, of the plant; and

''(C) the name of the country from which the plant was taken.

''(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

''(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

''(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

''(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

''(4) REVIEW.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

''(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

''(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

''(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

''(5) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

''(i) an evaluation of—

''(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

''(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

''(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

''(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

''(I) the cost of legal plant imports; and

''(II) the extent and methodology of illegal logging practices and trafficking.

''(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

''(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

''(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

''(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

''(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.'';

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (f)'';

(B) by striking ''section 3(d)'' each place it appears and inserting ''subsection (d) or (f) of section 3''; and

(C) in subsection (a)(2), by striking ''subsection 3(b)'' and inserting ''subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),'';

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

''(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.''; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking ''section 4'' and inserting ''section 3(f), section 4,''.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended by striking ''(other than section 3(b))'' and inserting ''(other than subsection 3(b))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

SA 3698. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

''(f) PLANT.—

''(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

''(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

''(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

''(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).'';

(B) in subsection (h), by inserting ''also'' after ''plants the term''; and

(C) by striking subsection (j) and inserting the following:

''(j) TAKE.—The term 'take' means—

''(1) to capture, kill, or collect; and

''(2) with respect to a plant, also to harvest, cut, log, or remove.'';

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) to possess any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(B) by adding at the end the following:

''(f) PLANT DECLARATIONS.—

''(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

''(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

''(B) a description of—

''(i) the value of the importation; and

''(ii) the quantity, including the unit of measure, of the plant; and

''(C) the name of the country from which the plant was taken.

''(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

''(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

''(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

''(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

''(4) REVIEW.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

''(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

''(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

''(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

''(5) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

''(i) an evaluation of—

''(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

''(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

''(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

''(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

''(I) the cost of legal plant imports; and

''(II) the extent and methodology of illegal logging practices and trafficking.

''(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

''(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

''(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

''(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

''(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.'';

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (f)'';

(B) by striking ''section 3(d)'' each place it appears and inserting ''subsection (d) or (f) of section 3''; and

(C) in subsection (a)(2), by striking ''subsection 3(b)'' and inserting ''subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),'';

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

''(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.''; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking ''section 4'' and inserting ''section 3(f), section 4,''.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended by striking ''(other than section 3(b))'' and inserting ''(other than subsection 3(b))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

SA 3699. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title IV, add the following:

SEC. 4_____. INFRASTRUCTURE AND TRANSPORTATION GRANTS TO SUPPORT RURAL FOOD BANK DELIVERY OF HEALTHY PERISHABLE FOODS.

(a) PURPOSE.—The purpose of this section is to provide grants to State and local food banks and other emergency feeding organizations (as defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501))—

(1) to support and expand the efforts of food banks operating in rural areas to procure and transport highly perishable and healthy food;

(2) to improve identification of potential providers of donated food and to enhance the nonprofit food donation system, particularly in and for rural areas; and

(3) to support the procurement of locally produced food from small and family farms and ranches for distribution to needy people.

(b) DEFINITION OF TIME-SENSITIVE FOOD PRODUCT.—

(1) IN GENERAL.—In this section, the term ''time-sensitive food product'' means a fresh,

raw, or processed food with a short time limitation for safe and acceptable consumption, as determined by the Secretary.

(2) INCLUSIONS.—The term ''time-sensitive food product'' includes—

(A) fruits;

(B) vegetables;

(C) dairy products;

(D) meat;

(E) fish; and

(F) poultry.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to expand the capacity and infrastructure of food banks, statewide food bank associations, and regional food bank collboratives that operate in rural areas to improve the capacity of the food banks to receive, store, distribute, track, collect, and deliver time-sensitive food products made available from national and local food donors.

(2) MAXIMUM AMOUNT.—The maximum amount of a grant provided under this subsection shall be not more than $1,000,000 for a fiscal year.

(3) USE OF FUNDS.—A food bank may use a grant provided under this section for—

(A) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

(B) capital, infrastructure, and operating costs associated with—

(i) the collection and transportation of time-sensitive food products; or

(ii) the storage and distribution of time-sensitive food products;

(C) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of—

(i) small, midsize, or family farms and ranches;

(ii) fisheries and aquaculture; and

(iii) donations from local food producers and manufacturers to persons in need;

(D) providing recovered healthy foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States; and

(E) improving the identification of—

(i) potential providers of donated foods;

(ii) potential nonprofit emergency food providers; and

(iii) persons in need of emergency food assistance in rural areas.

(d) AUDITS.—The Secretary shall establish fair and reasonable procedures to audit the use of funds made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SA 3700. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

Subtitle G—Kansas Disaster Tax Relief Assistance

SEC. 12701. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados'' for ''on or after August 25, 2005, by reason of Hurricane Katrina''.

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,

(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),

(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and

(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and

(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,

(D) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(E) by substituting ''beginning on May 4, 2007, and ending on November 5, 2007'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(F) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(G) by substituting ''December 31, 2007'' for ''December 31, 2006'' in subsection (c)(2)(A),

(H) by substituting ''beginning on June 4, 2007, and ending on December 31, 2007'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(I) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(J) by substituting ''January 1, 2008'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

SA 3701. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

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

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary shall not obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) COST OF CANCELLATION OR TERMINATION.—The costs of any cancellation or termination of a multiyear stewardship contract may be paid from any appropriations that are made available to the Forest Service.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds

under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary shall seek a supplemental appropriation.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

SA 3702. Ms. SNOWE (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term ''advisory committee'' means the General Advisory Committee for Oversight of National Aquatic Animal Health established under subsection (b)(1).

(2) PLAN.—The term ''plan'' means the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, composed of representatives of the Department of Agriculture, the Department of Commerce (including the National Oceanic and Atmospheric Administration), and the Department of the Interior (including the United States Fish and Wildlife Service).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

(b) GENERAL ADVISORY COMMITTEE FOR OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with States and the private sector, shall establish an advisory committee, to be known as the ''General Advisory Committee for Oversight of National Aquatic Animal Health''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The advisory committee shall—

(i) be composed equally of representatives of—

(I) State and tribal governments; and

(II) commercial aquaculture interests; and

(ii) consist of not more than 20 members, to be appointed by the Secretary, of whom—

(I) not less than 3 shall be representatives of Federal departments or agencies;

(II) not less than 6 shall be representatives of State or tribal governments that elect to participate in the plan under subsection (d);

(III) not less than 6 shall be representatives of affected commercial aquaculture interests; and

(IV) not less than 2 shall be aquatic animal health experts, as determined by the Secretary.

(B) NOMINATIONS.—The Secretary shall publish in the Federal Register a solicitation for, and may accept, nominations for members of the advisory committee from appropriate entities, as determined by the Secretary.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the advisory committee shall develop and submit to the Secretary recommendations regarding—

(A) the establishment and membership of appropriate expert and representative commissions to efficiently implement and administer the plan;

(B) disease- and species-specific best management practices relating to activities carried out under the plan; and

(C) the establishment and administration of the indemnification fund under subsection (e).

(2) FACTORS FOR CONSIDERATION.—In developing recommendations under paragraph (1), the advisory committee shall take into consideration all emergency aquaculture-related projects that have been or are being carried out under the plan as of the date of submission of the recommendations.

(3) REGULATIONS.—After consideration of the recommendations submitted under this subsection, the Secretary shall promulgate regulations to establish a national aquatic animal health improvement program, in accordance with the Animal Health Protection Act (7 U.S.C. 8301 et seq.).

(d) PARTICIPATION BY STATE AND TRIBAL GOVERNMENTS AND PRIVATE SECTOR.—

(1) IN GENERAL.—Any State or tribal government, and any entity in the private sector, may elect to participate in the plan.

(2) DUTIES.—On election by a State or tribal government or entity in the private sector to participate in the plan under paragraph (1), the State or tribal government or entity shall—

(A) submit to the Secretary—

(i) a notification of the election; and

(ii) nominations for members of the advisory committee, as appropriate; and

(B) as a condition of participation, enter into an agreement with the Secretary under which the State or tribal government or entity—

(i) assumes responsibility for a portion of the non-Federal share of the costs of carrying out the plan, as described in paragraph (3); and

(ii) agrees to act in accordance with applicable disease- and species-specific best management practices relating to activities carried out under the plan by the State or tribal government or entity, as the Secretary determines to be appropriate.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out the plan—

(i) shall be determined—

(I) by the Secretary, in consultation with the advisory committee; and

(II) on a case-by-case basis for each project carried out under the plan; and

(ii) may be provided by State and tribal governments and entities in the private sector in cash or in-kind.

(B) DEPOSITS INTO INDEMNIFICATION FUND.—The non-Federal share of amounts in the indemnification fund provided by each State or tribal government or entity in the private sector shall be—

(i) zero with respect to the initial deposit into the fund; and

(ii) determined on a case-by-case basis for each project carried out under the plan.

(e) INDEMNIFICATION FUND.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the advisory committee, shall establish a fund, to be known as the ''indemnification fund'', consisting of such amounts as are initially deposited into the fund by the Secretary under subsection (g)(1).

(2) USES.—The Secretary shall use amounts in the indemnification fund only to compensate aquatic farmers—

(A) the entire inventory of livestock or gametes of which is eradicated as a result of a disease control or eradication measure carried out under the plan; or

(B) for the cost of disinfecting, destruction, and cleaning products or equipment in response to a depopulation order carried out under the plan.

(3) UNUSED AMOUNTS.—Amounts remaining in the indemnification fund on September 30 of the fiscal year for which the amounts were appropriated—

(A) shall remain in the fund;

(B) may be used in any subsequent fiscal year in accordance with paragraph (2); and

(C) shall not be reprogrammed by the Secretary for any other use.

(f) REVIEW.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the advisory committee, shall review, and submit to Congress a report regarding—

(1) activities carried out under the plan during the preceding 2 years;

(2) activities carried out by the advisory committee; and

(3) recommendations for funding for subsequent fiscal years to carry out this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 and 2009, of which—

(1) not less than 50 percent shall be deposited into the indemnification fund established under subsection (e) for use in accordance with that subsection; and

(2) not more than 50 percent shall be used for the costs of carrying out the plan, including the costs of—

(A) administration of the plan;

(B) implementation of the plan;

(C) training and laboratory testing;

(D) cleaning and disinfection associated with depopulation orders; and

(E) public education and outreach activities.

SA 3703. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1363, strike line 7 and all that follows through page 1395, line 19 and insert the following:

Subtitle A—Individuals With Disabilities Education Trust Fund

SEC. 12101. ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES.

The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE IX—ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES

''SEC. 901. INDIVIDUALS WITH DISABILITIES EDUCATION TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Individuals with Disabilities Education Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

''(b) TRANSFER TO TRUST FUND.—

''(1) IN GENERAL.—There are appropriated to the Individuals with Disabilities Education Trust Fund amounts equivalent to 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

''(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Individuals with Disabilities Education Trust Fund on the basis

of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(c) REPORTS.—The Secretary of the Treasury shall be the trustee of the Individuals with Disabilities Education Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

''(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Individuals with Disabilities Education Trust Fund shall be available to the Secretary of Education to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(e) AUTHORITY TO BORROW.—

''(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Individuals with Disabilities Education Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the Individuals with Disabilities Education Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

''(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

''(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

''(ii) compounded annually.''.

SA 3704. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 11, strike ''pulse crops,''.

On page 21, line 23, strike ''camelina,''.

On page 23, strike lines 7 through 9.

On page 24, strike lines 18 and 19.

On page 24, line 20, strike ''(D)'' and insert ''(C)''.

On page 26, strike lines 6 through 10.

On page 26, line 6, strike ''(E)'' and insert ''(D)''.

Beginning on page 27, strike line 12 and all that follows through page 29, line 20.

On page 29, line 24, strike ''(other than pulse crops)''.

On page 35, strike lines 8 through 13.

On page 85, strike lines 4 and 5.

On page 85, line 6, strike ''(D)'' and insert ''(C)''.

On page 86, strike lines 18 through 22.

On page 86, line 23, strike ''(E)'' and insert ''(D)''.

Beginning on page 217, strike line 13 and all that follows through page 219, line 24.

On page 220, line 22, strike ''pulse crops,''.

Beginning on page 254, strike line 19 and all that follows through page 255, line 22.

SA 3705. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMMODITY PAYMENTS FOR FARM OPERATIONS IN A SANCTUARY CITY.

(a) PROHIBITION.—No type of price support, loan, or payment made available under title I of the Food and Energy Security Act of 2007 (or an amendment made by that title), the Commodity Credit Charter Act (15 U.S.C. 714 et seq.), or any other Act may be made available to a producer for a fiscal year on the basis of the operations of a farm located in a sanctuary city unless the producer submits a certification described in subsection (c) for such fiscal year.

(b) SANCTUARY CITY DEFINED.—In this section, the term ''sanctuary city'' means a subdivision of a State that prohibits the employees of such subdivision, including law enforcement officers, from seeking information from an individual regarding the individual's immigration status or providing such information to an appropriate employee of an agency or department of the United States.

(c) CERTIFICATION.—A certification described in this subsection is a certification submitted to the Secretary of Agriculture by a producer for a fiscal year that the operations described in subsection (a) have not employed within the past 12 months, or have utilized a contractor or subcontractor that has employed within the past 12 months, an alien who was unlawfully present in the United States at the time such alien was hired.

SA 3706. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 444, after line 22, insert the following:

SEC. 2_____. DISCOVERY WATERSHED-ESTUARY ECOSYSTEM PROTECTION DEMONSTRATION PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

''SEC. 1240T. DISCOVERY WATERSHED-ESTUARY ECOSYSTEM PROTECTION DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Commerce and the Administrator of the National Oceanic and Atmospheric Administration, shall establish and carry out a demonstration program in not less than 30 coastal watersheds throughout the United States to achieve the purposes described in subsection (b).

''(b) PURPOSES.—The purposes of the demonstration program under this section are—

''(1) to prevent the impacts of nutrients, soil pollutants, anthropogenic airborne contaminants, and agricultural products on sensitive estuarine ecosystems located downstream in coastal watersheds;

''(2) to monitor the effect of waterborne and airborne agents on the watersheds of estuarine ecosystems;

''(3) to model the impacts on watersheds of estuarine ecosystems using information made available to managers, decision-makers, and related stakeholders;

''(4) to mitigate those impacts using innovative environmental technologies; and

''(5) to assess the cost-effectiveness and performance of those technologies to provide guidance with respect to the implementation of best practices.

''(c) INTERAGENCY AGREEMENTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall enter into an agreement with the Secretary of Commerce and the Administrator of the National Oceanic and Atmospheric Administration to carry out this section.

''(2) CONTENTS.—The agreement entered into under paragraph (1) shall, to the maximum extent practicable—

''(A) facilitate coordination among research programs within agencies to ensure the success of the demonstration program under this section;

''(B) ensure the use of the best efforts of each applicable department and agency to integrate the sharing of information and best practices;

''(C) require the provision of timely, evaluated information to assist the Secretary in assessing the cost-effectiveness and performance of the demonstration program under this section;

''(D) provide for specific connectivity for research programs within the National Oceanic and Atmospheric Administration; and

''(E) facilitate the leveraging of resources in support of the demonstration program under this section.

''(d) SELECTION OF COASTAL WATERSHEDS.—

''(1) IN GENERAL.—In selecting the 30 coastal watersheds for purposes of subsection (a), the Secretary shall take into consideration the extent to which—

''(A) reducing impacts on an estuarine ecosystem of a coastal watershed is possible;

''(B) a project carried out at a coastal watershed under the demonstration program—

''(i) would use innovative approaches to attract a high level of participation in the watershed to ensure success;

''(ii) could be implemented through a third party, including—

''(I) the National Oceanic and Atmospheric Administration;

''(II) a unit of State or local government;

''(III) a conservation organization; or

''(IV) another organization with appropriate expertise;

''(iii) would leverage funding from Federal, State, local, and private sources; and

''(iv) would demonstrate best practices to manage—

''(I) pollutant impact and habitat restoration;

''(II) coastal and estuarine environmental technology evaluations and adoption;

''(III) watershed modeling from whitewater to bluewater; and

''(IV) air mass contaminant monitoring;

''(C) baseline data relating to water quality and agricultural practices and contributions from nonagricultural sources relevant to the watershed has been collected or could be readily collected; and

''(D) water and air quality monitoring infrastructure is in place or could reasonably be put in place in a small watershed.

''(2) REQUIREMENT.—The Secretary shall select to participate in the demonstration program under this section each coastal watershed that is challenged with an anthropogenic input, including the coastal watersheds of—

''(A) the Gulf of Maine;

''(B) Long Island Sound;

''(C) Chesapeake Bay; and

''(D) coastal Georgia, Mississippi, and South Carolina.

''(e) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section in each coastal watershed selected for purposes of subsection (a)—

''(1) to support demonstration projects in the coastal watershed;

''(2) to provide and assess financial incentives for leveraging the demonstration projects;

''(3) to monitor the performance and costs of best practices; and

''(4) to provide the Federal share of the cost of data collection, monitoring, and analysis.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not less than $30,000,000 shall be made available to the National Oceanic and Atmospheric Administration for each fiscal year to support the demonstration program under this section.''.

SA 3707. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMMODITY PAYMENTS FOR FARM OPERATIONS IN A SANCTUARY CITY.

No type of price support, loan, or payment made available under title I of the Food and Energy Security Act of 2007 (or an amendment made by that title), the Commodity Credit Charter Act (15 U.S.C. 714 et seq.), or any other Act may be made available to a producer on the basis of the operations of a farm located in a subdivision of a State that prohibits the employees of such subdivision, including law enforcement officers, from seeking information from an individual regarding the individual's immigration status or providing such information to an appropriate employee of an agency or department of the United States.

SA 3708. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 17, insert ''wild salmon,'' after ''nursery crops,''.

SA 3709. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 402, strike lines 17 through 21 and insert the following:

(iv) allow for monitoring and evaluation;

(v) assist producers in meeting Federal, State, and local regulatory requirements; and

(vi) assist producers in enhancing fish and wildlife habitat.

SA 3710. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 32___. CORRECTIVE LEGISLATION.

(a) DEFINITION OF JOINT RESOLUTION.—In this section, the term ''joint resolution'' means only a joint resolution introduced during the 90-day period beginning on the date on which the report referred to in subsection (b) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ''That Congress approves the draft legislation included in the report required under section ___(b) of the Food and Energy Security Act of 2007 submitted by the President to Congress on _____, and the legislation shall have force and effect.'' (The blank spaces being appropriately filled in).

(b) REPORT.—Not later than 90 days after the date of final adjudication of any appeals by the President relating to a finding that any United States commodity program is in violation of a trading rule of the World Trade Organization, the President may submit to each House of Congress a report that includes—

(1) a notification of any effective date of sanctions to be imposed for failure to correct the violation; and

(2) draft legislation for use in correcting the violation.

(c) CONGRESSIONAL ACTION.—Subject to subsection (f), if Congress receives a notification described in subsection (b)(1), the approval of Congress of the draft legislation submitted under subsection (b)(2) shall be effective if, and only if, a joint resolution is enacted into law pursuant to subsections (d) and (e).

(d) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

(A) a joint resolution is adopted under subsection (e); and

(B)(i) Congress transmits the joint resolution to the President before the end of the 90-day period beginning on the date on which Congress receives the report of the President under subsection (b); and

(ii)(I) the President signs the joint resolution; or

(II) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of—

(aa) the last day of the 90-day period referred to in clause (i); or

(bb) the last day of the 15-day period beginning on the date on which Congress receives the veto message from the President.

(2) INTRODUCTION.—A joint resolution to which this subsection applies may be introduced at any time on or after the date on which Congress receives the report of the President under subsection (b).

(e) JOINT RESOLUTION.—

(1) PROCEDURES.—

(A) IN GENERAL.—Joint resolutions—

(i) may be introduced in either House of Congress by any Member of such House; and

(ii) shall be referred—

(I) to the Committee on Agriculture of the House of Representatives, if the joint resolution is introduced in the House of Representatives; or

(II) to the Committee on Agriculture, Nutrition, and Forestry of the Senate, if the joint resolution is introduced in the Senate.

(B) APPLICATION OF SECTION 151 OF THE TRADE ACT OF 1974.—Subject to the provisions of this subsection, the provisions of subsections (c), (d), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191(c), (d), (f), and (g)) shall apply to joint resolutions to the same extent as such provisions apply to implementing bills under that section.

(C) DISCHARGE OF COMMITTEE.—If a committee of either House to which a joint resolution has been referred has not reported the joint resolution by the close of the 45th day after its introduction—

(i) the committee shall be automatically discharged from further consideration of the joint resolution; and

(ii) the joint resolution shall be placed on the appropriate calendar.

(D) FLOOR CONSIDERATION.—It shall not be in order for—

(i) the Senate to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture, Nutrition, or Forestry of the Senate or the committee has been discharged under subparagraph (C);

(ii) the House of Representatives to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture of the House of Representatives or the committee has been discharged under subparagraph (C); or

(iii) either House to consider any joint resolution or take any action under clause (i) or (ii) of subsection (d)(1)(B), if the President has notified the appropriate committees that the decision to impose sanctions described in subsection (b)(1) has been withdrawn and the sanctions have not actually been imposed.

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces his or her intention to do so.

(2) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider another joint resolution under this section (other than a joint resolution received from the other House), if that House has previously voted on a joint resolution under this section with respect to the same presidential notification described in subsection (b)(1).

(3) COMPUTATION OF TIME PERIOD.—For the purpose of subsection (d)(1)(B)(ii)(II) and paragraph (1)(C), the 90-day period, the 15-day period, and the 45 days referred to in those provisions shall be computed by excluding—

(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(4) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and such procedures supersede other rules only to the extent that such procedures are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(f) INTERVENING ENACTMENT.—A joint resolution shall not be required under this section if, during the period beginning on the date on which the President submits to Congress draft legislation under subsection (b)(2) and ending on the date on which Congress enacts a joint resolution under subsection (e), a law containing or preempting the draft legislation is enacted.

SA 3711. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI,

Mr. NELSON of Florida, Mr. SUNUNU, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 1 and all follows through page 124, line 20, and insert the following:

Subtitle A—Traditional Payments and Loans

SEC. 1101. COMMODITY PROGRAMS.

(a) REPEALS.—Subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) (other than sections 1001, 1101, 1102, 1103, 1104, and 1106) are repealed.

(b) BASE ACRES AND PAYMENT ACRES.—Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended—

(1) in subsections (a)(1) and (e)(2), by striking ''and counter-cyclical payments'' each place it appears; and

(2) by adding at the end the following:

''(i) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the producers on a farm, with the consent of the owner of and any other producers on the farm, may reduce the base acres for a covered commodity for the farm if the reduced acres are used for the planting and production of fruits or vegetables for processing.

''(2) REVERSION TO BASE ACRES FOR COVERED COMMODITY.—Any reduced acres on a farm devoted to the planting and production of fruits or vegetables during a crop year under paragraph (1) shall be included in base acres for the covered commodity for the subsequent crop year, unless the producers on the farm make the election described in paragraph (1) for the subsequent crop year.

''(3) RECALCULATION OF BASE ACRES.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary recalculates base acres for a farm, the planting and production of fruits or vegetables for processing under paragraph (1) shall be considered to be the same as the planting, prevented planting, or production of the covered commodity.

''(B) AUTHORITY.—Nothing in this subsection provides authority for the Secretary to recalculate base acres for a farm.''.

(c) PAYMENT YIELDS.—Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking ''and counter-cyclical payments'';

(2) in subsection (b), by striking ''2007'' and inserting ''2012'';

(3) in subsection (c), by striking '', but before'' and all that follows through ''subsection (e)''; and

(4) by striking subsection (e).

(d) RECOURSE LOAN PROGRAM.—Subtitle F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991 et seq.) is amended by adding at the end the following:

''SEC. 1619. RECOURSE LOAN PROGRAM.

''For each of the 2008 through 2012 crop years, the Secretary shall establish a recourse loan program for each loan commodity at a rate of interest to be determined by the Secretary.''.

(e) ADMINISTRATION.—

(1) SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 1602 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(2) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D(e) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended by striking ''2007'' and inserting ''2012''.

(f) AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.—Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended—

(1) by striking ''2007'' each place it appears (other than paragraphs (3)(B) and (4)(B) of subsection (f)) and inserting ''2008''; and

(2) in subsection (f)—

(A) in paragraph (3)(B)—

(i) in the subparagraph heading, by striking ''2007 CROP YEAR'' and inserting ''2007 AND 2008 CROP YEARS''; and

(ii) by striking ''the 2007 crop year'' and inserting ''each of the 2007 and 2008 crop years''; and

(B) in paragraph (4)(B)—

(i) in the subparagraph heading, by striking ''2007 CROP YEAR'' and inserting ''2007 AND 2008 CROP YEARS''; and

(ii) by striking ''the 2007 crop year'' each place it appears and inserting ''each of the 2007 and 2008 crop years''.

(g) AVAILABILITY OF DIRECT PAYMENTS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended—

(1) in subsection (a), by striking ''For each of the 2002 through 2007'' and inserting ''For each of the 2008 through 2012''; and

(2) in subsection (c), by adding at the end the following:

''(4)(A) In each of crop years 2008 and 2009, 25 percent.

''(B) In each of crop years 2010 and 2011, 20 percent.

''(C) In crop year 2012, 0 percent.''.

On page 233, strikes lines 8 through 13 and insert the following:

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.''.

On page 246, strike lines 3 through 10 and insert the following:

''(i) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

''(A) $135,000,000 for fiscal year 2008;

''(B) $140,000,000 for fiscal year 2009;

''(C) $145,000,000 for fiscal year 2010;

''(D) $150,000,000 for fiscal year 2011; and

''(E) $0 for fiscal year 2012.

''(2) AQUACULTURE AND SEAFOOD PRODUCTS.—Of the amount made available under subparagraphs (A) through (D) of paragraph (1), the Secretary shall ensure that at least $50,000 is used each fiscal year to promote the competitiveness of aquacultural and seafood products.''.

On page 247, line 17, insert ''seafood products, aquaculture (including ornamental fish), sea grass, sea oats,'' after ''floriculture,''.

On page 265, strike lines 9 and 10 and insert the following:

(1) by striking subparagraph (A) and inserting the following:

''(A) BASIC FEE.—

''(i) IN GENERAL.—Except as provided in clause (ii), each producer shall pay an administrative fee for catastrophic risk protection in an amount that is, as determined by the Corporation, equal to 25 percent of the premium amount for catastrophic risk protection established under subsection (d)(2)(A) per crop per county.

''(ii) MAXIMUM AMOUNT.—The total amount of administrative fees for catastrophic risk protection payable by a producer under clause (i) shall not exceed $5,000 for all crops in all counties.''.

Beginning on page 273, strike line 1 and all that follows through page 274, line 2.

On page 276, between lines 2 and 3, insert the following:

SEC. 19___. CONTROLLING CROP INSURANCE PROGRAM COSTS.

(a) SHARE OF RISK.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by striking paragraph (3) and inserting the following:

''(3) SHARE OF RISK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the reinsurance agreements of the Corporation with a reinsured company shall require the reinsured company to provide to the Corporation 30 percent of the cumulative underwriting gain or loss of the reinsured company.

''(B) LIVESTOCK.—In the case of a policy or plan of insurance covering livestock, the reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the financial condition of the reinsured companies and the availability of private reinsurance.''.

(b) 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:

''(ii) for each of the 2008 and subsequent reinsurance years—

''(I) 15 percent of the premium used to define loss ratio; and

''(II) in the case of a policy or plan of insurance covering livestock, 27 percent of the premium used to define loss ratio.''.

SEC. 19___. SUPPLEMENTAL DEDUCTIBLE COVERAGE.

(a) IN GENERAL.—Section 508(c)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(4)) is amended—

(1) by striking ''The level of coverage'' and inserting the following:

''(A) BASIC COVERAGE.—The level of coverage''; and

(2) by adding at the end the following:

''(B) SUPPLEMENTAL COVERAGE.—

''(i) IN GENERAL.—Notwithstanding paragraph (3) and subparagraph (A), the Corporation may offer supplemental coverage, based on an area yield and loss basis, to cover that portion of a crop loss not covered under the individual yield and loss basis plan of insurance of a producer, including any revenue plan of insurance with coverage based in part on individual yield and loss.

''(ii) LIMITATION.—The sum of the indemnity paid to the producer under the individual yield and loss plan of insurance and the supplemental coverage may not exceed 100 percent of the loss incurred by the producer for the crop.

''(iii) ADMINISTRATIVE AND OPERATING EXPENSE REIMBURSEMENT.—Notwithstanding subsection (k)(4), the reimbursement rate for approved insurance providers for the supplemental coverage shall equal 6 percent of the premium used to define the loss ratio.

''(iv) DIRECT COVERAGE.—If the Corporation determines that it is in the best interests of producers, the Corporation may offer supplemental coverage as a Corporation endorsement to existing plans and policies of crop insurance authorized under this title.

''(v) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Notwithstanding subsection (e), the amount of the premium to be paid by the Corporation for supplemental coverage offered pursuant to this subparagraph shall be determined by the Corporation, but may not exceed the sum of—

''(I) 50 percent of the amount of premium established under subsection (d)(2)(C)(i); and

''(II) the amount determined under subsection (d)(2)(C)(ii) for the coverage level selected to cover operating and administrative expenses.''.

(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'' the first place it appears and inserting ''additional and supplemental coverages''; and

(2) by adding at the end the following:

''(C) SUPPLEMENTAL COVERAGE.—In the case of supplemental coverage offered under subsection (c)(4)(B), 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.''.

SEC. 19___. REVENUE-BASED SAFETY NET.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following:

''(11) GROUP RISK INCOME PROTECTION AND GROUP RISK PROTECTION.—The Corporation shall offer, at no cost to a producer, revenue and yield coverage plans that allow producers in a county to qualify for an indemnity if the actual revenue or yield per acre in the county in which the producer is located is below 85 percent of the average revenue or yield per acre for the county, for each agricultural commodity for which a futures price is available, or as otherwise approved by the Secretary, to the extent the coverage is actuarially sound.''.

(b) PREMIUMS.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following:

''(H) In the case of a group risk income protection and group risk protection offered under subsection (c)(11) beginning in fiscal year 2009, and the whole farm insurance plan offered under subsection (c)(12) beginning in fiscal year 2010, the entire amount of the premium for the plan shall be paid by the Corporation.''.

SEC. 19___. WHOLE FARM INSURANCE.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by section 19___(a)) is amended by adding at the end the following:

''(12) WHOLE FARM INSURANCE PLAN.—The Corporation shall offer, at no cost to a producer described in paragraph (11), a whole farm insurance plan that allows the producer to qualify for an indemnity if actual gross farm revenue is below 80 percent of the average gross farm revenue of the producer.''.

(b) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—Section 523(e) of the Federal Crop Insurance Act (7 U.S.C. 1523(e)) is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2012'';

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—In addition to counties otherwise included in the pilot program, the Corporation shall include in the pilot program for each of the 2010 through 2012 reinsurance years all States and counties that meet the criteria for selection (pending required rating), as determined by the Corporation.''; and

(3) by adding at the end the following:

''(3) ELIGIBLE PRODUCERS.—The Corporation shall permit the producer of any type of agricultural commodity (including a producer of specialty crops, floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquacultural products (including ornamental fish), sea grass and sea oats, and industrial crops) to participate in a pilot program established under this subsection.''.

(c) PREVENTION OF DUPLICATION.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by subsection (a)) is amended by adding at the end the following:

''(13) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall cooperate to ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative compensation under Federal law for the same loss, including by reducing crop insurance indemnity payments.''.

On page 295, between lines 16 and 17, insert the following:

SEC. 19___. CROP INSURANCE EDUCATION ASSISTANCE.

(a) PARTNERSHIPS FOR RISK MANAGEMENT EDUCATION.—Section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)) is amended—

(1) in subparagraph (B), by striking ''A grant'' and inserting ''Subject to subparagraph (E), a grant''; and

(2) by adding at the end the following:

''(E) ALLOCATION TO STATES.—The Secretary shall allocate funds made available to carry out this subsection for each fiscal year in a manner that ensures that grants are provided to eligible entities in States based on the ratio that the value of agricultural production of each State bears to the total value of agricultural production in all States, as determined by the Secretary.''.

(b) FUNDING.—Paragraph (5) of section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) (as redesignated by section 1920(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) for the partnerships for risk management education program established under paragraph (3)—

''(i) $20,000,000 for fiscal year 2008, of which not less than $15,000,000 shall be used to provide educational assistance with respect to whole farm and adjusted gross revenue insurance plans;

''(ii) $15,000,000 for fiscal year 2009, of which not less than $10,000,000 shall be used to provide educational assistance described in clause (i);

''(iii) $10,000,000 for fiscal year 2010, of which not less than $5,000,000 shall be used to provide educational assistance described in clause (i); and

''(iv) $5,000,000 for fiscal year 2011 and each fiscal year thereafter.''.

On page 299, between lines 15 and 16, insert the following:

Subtitle B—Risk Management Accounts

SEC. 1931. DEFINITIONS.

In this subtitle:

(1) ADJUSTED GROSS REVENUE.—The term ''adjusted gross revenue'', with respect to a farm of an operator or producer, means the adjusted gross income of the farm, as determined by the Secretary, from the sale or transfer of eligible commodities of the farm, as calculated—

(A) taking into consideration the gross receipts (including insurance indemnities) from each sale;

(B) including all farm payments received by the operator or producer from any Federal, State, or local government agency relating to the eligible commodities;

(C) by deducting the cost or basis of any eligible livestock or other item purchased for resale, such as feeder livestock, by the farm;

(D) excluding any revenue that does not arise from the sale of eligible commodities of the farm, such as revenue associated with the packaging, merchandising, marketing, or reprocessing beyond what is typically carried out by a producer of the eligible commodity, as determined by the Secretary; and

(E) using such adjustments, additions, and additional documentation as the Secretary determines to be appropriate, as presented on—

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

(ii) a comparable tax form relating to the farm, as approved by the Secretary.

(2) APPLICABLE YEAR.—The term ''applicable year'' means a fiscal year covered by a risk management account contract.

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

(A) the rolling average of the adjusted gross revenue of an operator or producer for each of the 5 preceding taxable years; or

(B) in the case of a beginning farmer or rancher, or another agricultural operation that does not have adjusted gross revenue for each of the 5 preceding taxable years, the estimated income of the operation for the applicable year, as determined by the Secretary.

(4) ELIGIBLE COMMODITY.—The term ''eligible commodity'' means any annual or perennial crop raised or produced by an operator or producer.

(5) FARM.—

(A) IN GENERAL.—The term ''farm'' means any parcel of land used for the raising or production of an eligible commodity that is considered to be a separate operation, as determined by the Secretary.

(B) INCLUSIONS.—The term ''farm'' includes—

(i) any parcel of land and related agricultural production facilities on which an operator or producer has more than de minimis operational control; and

(ii) any parcel of land subject to more than de minimis common ownership, as determined by the Secretary, unless the common owners of the parcel—

(I) except with respect to a conservation condition established in an applicable rental agreement, do not have operational control regarding any portion of the parcel; and

(II) do not share in the proceeds of the parcel, other than cash rent.

(C) EXCLUSION.—The term ''farm'' does not include a parcel that is not a portion of a farm subject to a risk management account contract.

(D) APPLICABILITY OF CFR.—Except as otherwise provided in this subtitle or by the Secretary, by regulation, part 718 of title 7, Code of Federal Regulations (or successor regulations), shall apply to the definition, constitution, and reconstitution of a farm for purposes of this paragraph.

(6) OPERATOR.—The term ''operator'' means a producer who controls an agricultural operation on a farm, as determined by the Secretary.

(7) PRODUCER.—The term ''producer'' means a person that, as determined by the Secretary, for an applicable year—

(A) shares in the risk of producing, or provides a material contribution in producing, an eligible commodity;

(B) has a substantial beneficial interest in the farm on which the eligible commodity is produced;

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

(I) a schedule F form of the Federal income tax return relating to the eligible commodity; or

(II) a comparable tax form related to the eligible commodity, as approved by the Secretary; or

(ii) is a beginning farmer or rancher, or another producer that does not have adjusted

gross revenue for each of the 5 preceding taxable years, as determined by the Secretary; and

(D)(i) during the 5 preceding taxable years, has earned at least $10,000 in average adjusted gross revenue;

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

(iii) in the case of a beginning farmer or rancher, or another producer that does not have adjusted gross revenue for each of the 5 preceding taxable years, has at least $10,000 in estimated income from all farms for the applicable year, as determined by the Secretary.

(8) RISK MANAGEMENT ACCOUNT.—The term ''risk management account'' means a farm income stabilization assistance account maintained at a qualified financial institution in accordance with such terms as the Secretary may establish.

SEC. 1932. RISK MANAGEMENT ACCOUNT CONTRACTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program under which the Secretary shall offer to enter into contracts with eligible operators and producers in accordance with this section—

(1) to provide to the operators and producers a reserve to assist in the stabilization of farm income during low-revenue years;

(2) to assist operators and producers to invest in value-added farms; and

(3) to recognize high levels of environmental stewardship.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Any operator that has participated in a commodity program under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), and that otherwise meets each eligibility requirement under this subtitle, shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(2) OTHER PRODUCERS.—A producer that is not an operator described in paragraph (1) shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(3) LIMITATIONS.—

(A) IN GENERAL.—No farm or portion of a farm shall be subject to more than 1 risk management account contract during any fiscal year.

(B) MULTIPLE RISK MANAGEMENT ACCOUNT CONTRACTS.—

(i) IN GENERAL.—Except as provided in clause (ii), no operator or producer shall participate or have a beneficial interest in more than 1 risk management account contract during any fiscal year.

(ii) EXCEPTION.—Notwithstanding clause (i), an operator that is eligible to receive a transition payment during a fiscal year, and that participates or has a beneficial interest in a risk management account contract during that fiscal year, may enter into an additional risk management account contract during the fiscal year if—

(I) the additional risk management account contract is entered into solely for the purpose of receiving the transition payment; and

(II) the operator is not otherwise eligible to participate or have a beneficial interest in the additional risk management account contract.

(c) RISK MANAGEMENT ACCOUNTS.—

(1) IN GENERAL.—Each risk management account contract entered into under this section shall establish, in the name of the farm of the operator or producer, as applicable, in an appropriate financial institution and subject to such investment rules and other procedures as the Secretary, on approval of the Secretary of the Treasury, determines to be necessary to provide reasonable assurance of the viability and stability of the account, a risk management account, to consist of—

(A) such amounts as are transferred to the risk management account by the Secretary during an applicable year in accordance with paragraph (2) (including the amendments made by that paragraph); and

(B) such amounts as are voluntarily contributed by the operator or producer during the applicable year in accordance with paragraph (6).

(2) TRANSFERS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by adding at the end the following:

''(e) RISK MANAGEMENT ACCOUNTS.—Of the total amount of direct payments made to producers, payments in excess of $10,000 for a crop year shall be deposited into risk management accounts established under section 1102 of the Food and Energy Security Act of 2007.''.

(3) OPERATOR AND PRODUCER CONTRIBUTIONS.—During any applicable year, an operator or producer may voluntarily contribute to the risk management account of the operator or producer.

(4) WITHDRAWALS.—

(A) IN GENERAL.—An operator or producer may withdraw amounts in the risk management account of the operator or producer only—

(i) for an applicable year during which the adjusted gross revenue of the operator or producer is equal to less than 95 percent of the average adjusted gross revenue of the operator or producer, in an amount that is equal to the lesser of—

(I) the difference between—

(aa) the average adjusted gross revenue of the operator or producer; and

(bb) the adjusted gross revenue of the operator or producer; and

(II) the amount of coverage that could be purchased under an adjusted gross revenue product available to the operator or producer through the Federal crop insurance program;

(ii) for investment in a value-added agricultural operation that contributes to the agricultural economy, as determined by the Secretary, and is not farmland or equipment used to produce raw agricultural products, an amount equal to the product obtained by multiplying—

(I) the total amount in the risk management account of the operator or producer on September 30 of the preceding applicable year; and

(II) 10 percent;

(iii) as the Secretary determines to be necessary to protect the solvency of a farm of the operator or producer; or

(iv) to purchase revenue insurance or crop insurance.

(B) TRANSFER TO IRA ACCOUNT.—In any calendar year, an individual operator or producer aged 65 years or older who is the holder of a risk management account in existence for at least 5 years may elect to rollover not more than 15 percent of the balance of the risk management account into an individual retirement account pursuant to section 408 of the Internal Revenue Code of 1986.

(5) LIMITATIONS.—

(A) ATTRIBUTION REQUIREMENT.—The Secretary shall ensure that each payment transferred to a risk management account under this subsection is attributed to an individual operator or producer that is a party to the applicable risk management account contract.

(B) NO INDIVIDUAL BENEFIT.—

(i) IN GENERAL.—The Secretary shall ensure that no individual operator or producer receives a direct benefit from more than 1 risk management account.

(ii) PROPORTIONAL REDUCTION.—The Secretary shall reduce the amount of a standard payment under this subsection in an amount equal to the proportion that—

(I) the amount of each direct or indirect benefit received by the applicable individual operator or producer under the applicable risk management account contract; bears to

(II) the amount of any direct or indirect benefit received by the individual operator or producer under any other risk management account contract under which a standard payment is transferred to a risk management account.

(6) CONSERVATION COMPLIANCE.—Each operator, and each holder of a beneficial interest in a farm subject to a risk management account contract, shall comply with—

(A) applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(B) applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(7) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subsection.

SEC. 1933. TREATMENT OF RISK MANAGEMENT ACCOUNT ACCOUNTS ON TRANSFER.

(a) IN GENERAL.—In transferring, by sale or other means, any interest in a farm subject to a risk management account, an operator or producer may elect—

(1) to transfer the risk management account to another farm in which the operator or producer—

(A) has a controlling ownership interest; or

(B) not later than 2 years after the date of the transfer, will acquire a controlling ownership interest;

(2) to transfer the risk management account to the purchaser of the interest in the farm, if the purchaser is not already a holder of a risk management account; or

(3)(A) if the operator or producer is an individual, to rollover amounts in the risk management account into an individual retirement account of the operator or producer pursuant to section 408 of the Internal Revenue Code of 1986; or

(B) if the operator or producer is not an individual, to transfer amounts in the risk management account into an account of any individual who has a substantial beneficial interest in the farm (including a substantial beneficiary of a trust that holds at least a 50 percent ownership interest in the farm).

(b) TRANSFER OR ACQUISITION OF LAND OR PORTION OF OPERATION.—The Secretary shall promulgate such regulations as the Secretary determines to be appropriate to require reformulation, reaffirmation, or abandonment of a risk management account contract—

(1) on transfer of all or part of a farm under this section; or

(2) on any other major change to the farm, as determined by the Secretary.

SEC. 1934. ADMINISTRATION OF RISK MANAGEMENT ACCOUNTS.

(a) IMPLEMENTATION.—The Secretary shall carry out this subtitle through the Farm Service Agency.

(b) COMPLIANCE.—The Secretary shall conduct random audits of operators and producers subject to risk management account contracts under this subtitle as the Secretary determines to be necessary to ensure compliance with the risk management account contracts.

(c) VIOLATIONS.—If the Secretary determines that an operator or producer is in violation of the terms of an applicable risk management account contract—

(1) the operator or producer shall refund to the Secretary an amount equal to the

amount transferred by the Secretary under section 1103(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(e)) to the affected risk management account during the applicable year in which the violation occurred; and

(2) for a serious or deliberate violation, as determined by the Secretary—

(A) the risk management account contract shall be terminated; and

(B) amounts remaining in each applicable risk management account as the result of a transfer by the Secretary under section 1103(e) of that Act shall be refunded to the Secretary.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

(e) ADJUSTED GROSS INCOME LIMITATION.—The adjusted gross income limitation under section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply to participation in the farm income stabilization assistance program under this subtitle.

(f) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

On page 347, strike lines 17 through 20 and insert the following:

"SEC. 1237T. FUNDING.

''Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subchapter $70,000,000 for each of the fiscal years 2008 through 2012.''.

On page 408, line 15, strike ''$165,000,000'' and ''$265,000,000''.

On page 444, after line 22, add the following:

SEC. 23___. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

"SEC. 1240S–1. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service, shall establish a migratory bird habitat conservation program under which the Secretary shall provide payments and technical assistance to rice producers to promote the conservation of migratory bird habitat.

''(b) ELIGIBILITY.—To be eligible for payments and technical assistance under this section, an eligible producer shall maintain on rice acreage of the producer (as determined by the Secretary)—

''(1) straw residue on a minimum of 50 percent of the rice acreage by flooding, rolling, or stomping, and maintaining, water depths of at least 4 inches from November through February in a manner that benefits migratory waterfowl; or

''(2) if supplemental water is not available, planting a winter cover crop (such as vetch) on the rice acreage.

''(c) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) enroll not more than 100,000 acres of irrigated rice; and

''(2) provide payments to a participating rice producer for the value of the ecological benefit, but not less than $25 per acre.

''(d) REVIEW.—In cooperation with a national, State, or regional association of rice producers, the Secretary shall periodically review—

''(1) the value of the ecological benefit of practices for which assistance is provided under this section on a per acre basis; and

''(2) the practices for which assistance is provided under this section to maximize the wildlife benefit to migratory bird populations on land in rice production.

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $13,000,000 for the period of fiscal years 2008 through 2012.''.

On page 445, line 20, strike ''$97,000,000'' and insert ''$120,000,000''.

On page 445, line 24 , strike ''$240,000,000'' and insert ''$400,000,000''.

On page 446, line 4, strike ''$1,270,000,000'' and insert ''$1,410,000,000''.

On page 446, line 6, strike ''$1,300,000,000'' and insert ''$1,420,000,000''.

On page 446, line 10, strike ''$85,000,000'' and insert ''$100,000,000''.

On page 508, between lines 20 and 21, insert the following:

SEC. 26___. CONSERVATION OF GREATER EVERGLADES ECOSYSTEM.

Of the funds of the Commodity Credit Corporation, the Secretary shall use $7,000,000 for each of fiscal years 2008 through 2012 to provide assistance to 1 or more States to carry out conservation activities in or for the greater Everglades ecosystem.

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (l)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use $450,000,000 for each of fiscal years 2008 through 2012 to carry out this section.''; and

(B) by redesignating paragraph (3) as paragraph (2).

On page 566, lines 9 and 10, strike ''$140, $239, $197, and $123'' and insert ''$145, $248, $205, and $128''.

On page 567, line 3, strike ''$281'' and insert ''$291''.

On page 574, line 6, strike ''10 percent'' and inserting ''20 percent''.

Beginning on page 574, strike line 23 and all that follows through page 575, line 3, and insert the following:

''(2) AMOUNTS.—In addition to the amounts made available under paragraph (1), from amounts made available to carry out this Act, the Secretary shall use to carry out this subsection—

''(A) for fiscal year 2008, $110,000,000; and

''(B) for fiscal year 2009 and each fiscal year thereafter, an amount that is equal to the amount made available for the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

On page 658, lines 18 through 21, strike ''for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $10,000,000'' and insert ''for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $50,000,000''.

On page 659, between lines 19 and 20, insert the following:

SEC. 4703. WIC FARMERS' MARKET NUTRITION PROGRAM.

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

(1) in clause (i), by striking ''each of fiscal years 2004 through 2009'' and inserting ''each fiscal year''; and

(2) by striking clause (ii) and inserting the following:

''(ii) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection, $40,000,000 for each fiscal year.''.

On page 664, between lines 15 and 16, insert the following:

SEC. 49___. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PAYMENTS TO SERVICE INSTITUTIONS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) in subparagraph (A) (as redesignated by subparagraph (B)), by striking ''(A)'' and all that follows through ''shall not exceed—'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), in addition to amounts made available under paragraph (3), payments to service institutions shall be—'';

(D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''; and

(E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking ''(A), (B), and (C)'' and inserting ''(A) and (B)''; and

(2) in the second sentence of paragraph (3), by striking ''full amount of State approved'' and all that follows through ''maximum allowable''.

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) through (k) as subsections (f) through (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.

On page 663, between lines 17 and 18, insert the following:

Subtitle F—Food Employment Empowerment and Development Program

SEC. 4851. SHORT TITLE.

This subtitle may be cited as the ''Food Employment Empowerment and Development Program Act of 2007'' or the ''FEED Act of 2007''.

SEC. 4852. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that meets the requirements of section 4013(b).

(2) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term ''vulnerable subpopulation'' means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term ''vulnerable subpopulation'' includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

SEC. 4853. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(1) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(2) Distribution of meals or recovered food to—

(A) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(B) entities that feed vulnerable subpopulations; and

(C) other agencies considered appropriate by the Secretary.

(3) Training of unemployed and underemployed adults for careers in the food service industry.

(4) Carrying out of a welfare-to-work job training program in combination with—

(A) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(B) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(c) USE OF FUNDS.—An eligible entity may use a grant awarded under this section for—

(1) capital investments related to the operation of the eligible entity;

(2) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(3) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(4) building and kitchen renovations that improve or directly affect service delivery;

(5) educational material and services;

(6) administrative costs, in accordance with guidelines established by the Secretary; and

(7) additional activities determined appropriate by the Secretary.

(d) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(1) Carrying out food recovery programs that are integrated with—

(A) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1);

(B) school education programs; or

(C) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(2) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(3) Integrating recovery and distribution of food with a job training program.

(4) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(5) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(e) ELIGIBILITY FOR JOB TRAINING.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(f) PERFORMANCE INDICATORS.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(g) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance to eligible entities that receive grants under this section to assist the eligible entities in carrying out programs under this section using the grants.

(2) FORM.—Technical assistance for a program provided under this subsection includes—

(A) maintenance of a website, newsletters, email communications, and other tools to promote shared communications, expertise, and best practices;

(B) hosting of an annual meeting or other forums to provide education and outreach to all programs participants;

(C) collection of data for each program to ensure that the performance indicators and purposes of the program are met or exceeded;

(D) intervention (if necessary) to assist an eligible entity to carry out the program in a manner that meets or exceeds the performance indicators and purposes of the program;

(E) consultation and assistance to an eligible entity to assist the eligible entity in providing the best services practicable to the community served by the eligible entity, including consultation and assistance related to—

(i) strategic plans;

(ii) board development;

(iii) fund development;

(iv) mission development; and

(v) other activities considered appropriate by the Secretary;

(F) assistance considered appropriate by the Secretary regarding—

(i) the status of program participants;

(ii) the demographic characteristics of program participants that affect program services;

(iii) any new idea that could be integrated into the program; and

(iv) the review of grant proposals; and

(G) any other forms of technical assistance the Secretary considers appropriate.

(h) RELATIONSHIP TO OTHER LAW.—

(1) BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(2) FOOD HANDLING GUIDELINES.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(3) INSPECTIONS.—An eligible entity using a grant provided under this section shall be exempt from inspection under sections 303.1(d)(2)(iii) and 381.10(d)(2)(iii) of volume 9, Code of Federal Regulations (or a successor regulation), if the eligible entity—

(A) has a hazard analysis and critical control point (HACCP) plan;

(B) has a sanitation standard operating procedure (SSOP); and

(C) otherwise complies with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(i) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed $200,000.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2012.

(2) TECHNICAL ASSISTANCE.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (g) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) $1,000,000.

Beginning on page 691, strike line 21 and all that follows through page 692, line 17.

On page 981, line 12, strike ''$16,000,000'' and insert ''$30,000,000''.

Beginning on page 1046, strike line 15 and all that follows through page 1053, line 23, and insert the following:

SEC. 8002. COMMUNITY FORESTS WORKING LAND PROGRAM.

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) by redesignating subsection (m) as subsection (n); and

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

''(m) COMMUNITY FORESTS WORKING LAND PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) COMMUNITY FOREST LAND.—The term 'community forest land' means a parcel of land that is—

''(i) forested; and

''(ii) located, as determined by the Secretary, within, or in close proximity to, a population center.

''(B) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means a town, city, or other unit of local government.

''(2) PURPOSES.—The purposes of the community forests working land program are—

''(A) to help protect environmentally important forest land near population centers, as determined by the Secretary;

''(B) to facilitate land use planning by units of local government; and

''(C) to facilitate the donations, acceptance, and enforcement of conservation easements on community forest land.

''(3) ESTABLISHMENT.—The Secretary, in cooperation with the States, shall offer financial and technical assistance to units of local government by providing, in priority areas (as defined by the Secretary)—

''(A) financial assistance to purchase conservation easements on, facilitate the donation, acceptance, and enforcement of conservation easements on, or otherwise acquire, community forest land; and

''(B) technical assistance to facilitate—

''(i) conservation of community forests;

''(ii) management of community forests;

''(iii) training related to forest management and forest conservation; and

''(iv) other forest conservation activities, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $65,000,000 for each of fiscal years 2008 through 2012.''.

On page 1112, line 8, strike ''$300,000,000'' and insert ''$360,000,000''.

On page 1129, line 18, strike ''$230,000,000'' and insert ''$300,000,000''.

On page 1150, strike lines 11 through 24 and insert the following:

''(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section $345,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.''.

On page 1295, strike lines 6 through 11 and insert the following:

''(A) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000 for each of fiscal years 2008 through 2012.'';

(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:

SA 3712. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 755, after line 22, insert the following:

SEC. 60__. WATER OR WASTE DISPOSAL LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 6010) is amended by adding at the end the following:

''(29) WATER OR WASTE DISPOSAL LOANS.—For fiscal year 2008 and each subsequent fiscal year, the Secretary shall make or guarantee water or waste disposal loans under this title, and the loan guarantee programs funded from the Agricultural Credit Insurance Fund, under the authority and conditions (including the fees, borrower interest rate, and the economic assumptions of the President, as of September 1, 2006) provided by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97; 119 Stat. 2120).''.

SA 3713. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. 12319. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, any alcohol fuel as defined in section 6426(b)(4)(A) (including any neat alcohol fuel), or any biodiesel fuel as defined in section 40A(d)(1)(A) (including neat biodiesel fuel)'' after ''timber''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3714. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. 12319. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, any alcohol fuel as defined in section 6426(b)(4)(A) (including any neat alcohol fuel), or any biodiesel fuel as defined in section 40A(d)(1)(A) (including neat biodiesel fuel)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3715. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 110___. COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) IN GENERAL.—The Secretary shall cause the Acquisition Regulation of the Department of Agriculture established under chapter 4 of title 48, Code of Federal Regulations, to be modified in accordance with subsection (b).

(b) ADMINISTRATION.—

(1) COMPETITIVE PROCEDURES.—A purchase of a product from Federal Prison Industries shall be made using competitive procedures (including the competition requirements applicable to a purchase under a multiple award contract), if—

(A) market research conducted by the Department of Agriculture determines that the product offered by Federal Prison Industries is comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery; or

(B) Federal Prison Industries has a significant share of the Federal market for a product listed in the latest edition of the Federal Prison Industries catalog issued pursuant to section 4124(d) of title 18, United States Code.

(2) OFFERS.—In conducting a purchase described in paragraph (1), the Secretary shall consider a timely offer made by Federal Prison Industries.

(3) SIGNIFICANT SHARE OF FEDERAL MARKET.—For the purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the Federal market for a product if the Secretary, in consultation with the Administrator of the Office of Federal Procurement Policy, determines that the share of Federal Prison Industries of the Federal market for the category of the product is significant.

SA 3716. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1511, line 25, strike all through page 1517, line 19, and insert the following:

''(2) ALLOCATION BY SECRETARY.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall allocate the amount described in paragraph (1) among at least 20 qualified projects, or such lesser number of qualified projects—

''(i) with proper applications filed after 12 months after the adoption of the selection process under subparagraph (B), and

''(ii) for purposes provided for in regional investment strategies for which regional innovation grants are awarded under section 385F of subtitle I of the Consolidated Farm and Rural Development Act.

''(B) SELECTION PROCESS.—In consultation with the Secretary of Agriculture, the Secretary shall adopt a process to select projects described in subparagraph (A). Under such process, the Secretary shall not allocate more than 15 percent of the allocation under subparagraph (A) to qualified projects within a single State.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

''(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer

shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) DEFINITIONS AND SPECIAL RULES RELATING TO ISSUERS AND BORROWERS.—For purposes of this section—

''(1) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a rural renaissance bond lender,

''(B) a cooperative electric company, or

''(C) a governmental body.

''(2) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C), or

''(B) a governmental body.

''(3) RURAL RENAISSANCE BOND LENDER.—The term 'rural renaissance bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

''(5) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

''(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) RURAL AREA.—The term 'rural area' shall have the meaning given such term by section 1393(a)(2).

''(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

''(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).

''(7) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2008.''.

SA 3717. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1214, strike line 6 and all that follows through page 1220, line 11, and insert the following:

SEC. 10201. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity''—

(A) has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(B) does not include biofuels.

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons that meets the requirements of the Capper-Volstead Act (7 U.S.C. 291 et seq.).

(3) AGRICULTURAL INDUSTRY.—The term ''agricultural industry''—

(A) means any dealer, processor, commission merchant, or broker involved in the buying or selling of agricultural commodities; and

(B) does not include sale or marketing at the retail level.

(4) ANTITRUST LAWS.—The term ''antitrust laws'' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(5) ASSISTANT ATTORNEY GENERAL.—The term ''Assistant Attorney General'' means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(6) BIOFUEL.—The term ''biofuel'' has the meaning given that term in section 9001 of the Farm Security and Rural Investment Act of 2002, as amended by section 9001 of this Act.

(7) BROKER.—The term ''broker'' means any person (excluding an agricultural cooperative) engaged in the business of negotiating sales and purchases of any agricultural commodity in commerce for or on behalf of the vendor or the purchaser.

(8) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Federal Trade Commission.

(9) COMMISSION MERCHANT.—The term ''commission merchant'' means any person (excluding an agricultural cooperative) engaged in the business of receiving in commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(10) DEALER.—The term ''dealer'' means any person (excluding an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity produced by that person.

(11) PROCESSOR.—The term ''processor'' means any person (excluding an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) an agricultural commodity, or the products of such agricultural commodity, for sale or marketing in commerce for human consumption (excluding sale or marketing at the retail level).

(12) SPECIAL COUNSEL.—The term ''Special Counsel'' means the Special Counsel for Agricultural Competition of the Department of Agriculture established under section 11 of the Packers and Stockyards Act, 1921, as added by this Act.

(13) TASK FORCE.—The term ''Task Force'' means the Agriculture Competition Task Force established under subsection (b).

(b) AGRICULTURE COMPETITION TASK FORCE.—

(1) ESTABLISHMENT.—There is established, under the authority of the Attorney General, the Agriculture Competition Task Force, to examine problems in agricultural competition.

(2) MEMBERSHIP.—The Task Force shall consist of—

(A) the Assistant Attorney General, who shall serve as chairperson of the Task Force;

(B) the Special Counsel;

(C) a representative from the Federal Trade Commission;

(D) a representative from the Department of Agriculture, Office of Packers and Stockyards;

(E) 1 representative selected jointly by the attorneys general of States desiring to participate in the Task Force;

(F) 1 representative selected jointly by the heads of the departments of agriculture (or similar such agency) of States desiring to participate in the Task Force;

(G) 8 individuals who represent the interests of small family farmers, ranchers, independent producers, packers, processors, and other components of the agricultural industry—

(i) 2 of whom shall be selected by the Majority Leader of the Senate;

(ii) 2 of whom shall be selected by the Minority Leader of the Senate;

(iii) 2 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 2 of whom shall be selected by the Minority Leader of the House of Representatives; and

(H) 4 academics or other independent experts working in the field of agriculture, agricultural law, antitrust law, or economics—

(i) 1 of whom shall be selected by the Majority Leader of the Senate;

(ii) 1 of whom shall be selected by the Minority Leader of the Senate;

(iii) 1 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 1 of whom shall be selected by the Minority Leader of the House of Representatives.

(3) DUTIES.—The Task Force shall—

(A) study problems in competition in the agricultural industry;

(B) establish ways to coordinate Federal and State activities to address unfair and deceptive practices and concentration in the agricultural industry;

(C) work with representatives from agriculture and rural communities to identify abusive practices in the agricultural industry;

(D) submit to Congress such reports as the Task Force determines appropriate on the state of family farmers and ranchers, and the impact of agricultural concentration and unfair business practices on rural communities in the United States; and

(E) make such recommendations to Congress as the Task Force determines appropriate on agricultural competition issues, which shall include any additional or dissenting views of the members of the Task Force.

(4) WORKING GROUP.—

(A) IN GENERAL.—The Task Force shall establish a working group on buyer power to study the effects of concentration, monopsony, and oligopsony in agriculture, make recommendations to the Assistant Attorney General and the Chairman, and assist the Assistant Attorney General and the Chairman

in drafting agricultural guidelines under subsection (d)(1).

(B) MEMBERS.—The working group shall include any member of the Task Force selected under paragraph (2)(H).

(5) MEETINGS.—

(A) FIRST MEETING.—The Task Force shall hold its initial meeting not later than the later of—

(i) 90 days after the date of enactment of this Act; and

(ii) 30 days after the date of enactment of an Act making appropriations to carry out this subsection.

(B) MINIMUM NUMBER.—The Task Force shall meet not less than once each year, at the call of the chairperson.

(6) COMPENSATION.—

(A) IN GENERAL.—The members of the Task Force shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(7) STAFF OF TASK FORCE; EXPERTS AND CONSULTANTS.—

(A) STAFF.—

(i) APPOINTMENT.—The chairperson of the Task Force may, without regard to the provisions of chapter 51 of title 5, United States Code (relating to appointments in the competitive service), appoint and terminate an executive director and such other staff as are necessary to enable the Task Force to perform its duties. The appointment of an executive director shall be subject to approval by the Task Force.

(ii) COMPENSATION.—The chairperson of the Task Force may fix the compensation of the executive director and other staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification of positions and General Schedule pay rates), except that the rate of pay for the executive director and other staff may not exceed the rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time.

(B) EXPERTS AND CONSULTANTS.—The Task Force may procure temporary and intermittent services of experts and consultants in accordance with section 3109(b) of title 5, United States Code.

(8) POWERS OF THE TASK FORCE.—

(A) HEARINGS AND MEETINGS.—The Task Force, or a member of the Task Force if authorized by the Task Force, may hold such hearings, sit and act at such time and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Task Force considers to be appropriate.

(B) OFFICIAL DATA.—

(i) IN GENERAL.—The Task Force may obtain directly from any executive agency (as defined in section 105 of title 5, United States Code) or court information necessary to enable it to carry out its duties under this subsection. On the request of the chairperson of the Task Force, and consistent with any other law, the head of an executive agency or of a Federal court shall provide such information to the Task Force.

(ii) CONFIDENTIAL INFORMATION.—The Task Force shall adopt procedures that ensure that confidential information is adequately protected.

(C) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Task Force on a reimbursable basis such facilities and support services as the Task Force may request. On request of the Task Force, the head of an executive agency may make any of the facilities or services of such agency available to the Task Force, on a reimbursable or nonreimbursable basis, to assist the Task Force in carrying out its duties under this subsection.

(D) EXPENDITURES AND CONTRACTS.—The Task Force or, on authorization of the Task Force, a member of the Task Force may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Task Force or such member considers to be appropriate for the purpose of carrying out the duties of the Task Force. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in advance in appropriation Acts.

(E) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(F) GIFTS, BEQUESTS, AND DEVISES.—The Task Force may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Task Force. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Task Force.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2008, 2009, and 2010.

(c) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING.—There are authorized to be appropriated such sums as are necessary to hire additional employees (including agricultural law and economics experts) for the Transportation, Energy, and Agriculture Section of the Antitrust Division of the Department of Justice, to enhance the review of agricultural transactions and monitor, investigate, and prosecute unfair and deceptive practices in the agricultural industry.

(d) ENSURING FULL AND FREE COMPETITION IN AGRICULTURE.—

(1) AGRICULTURAL GUIDELINES.—

(A) FINDINGS.—Congress finds the following:

(i) The effective enforcement of the antitrust laws in agriculture requires that the antitrust enforcement agencies have guidelines with respect to mergers and other anticompetitive conduct that are focused on the special circumstances of agricultural commodity markets.

(ii) There has been a substantial increase in concentration in the markets in which agricultural commodities are sold, with the result that buyers of agricultural commodities often possess regional dominance in the form of oligopsony or monopsony relative to sellers of such commodities. A substantial part of this increase in market concentration is the direct result of mergers and acquisitions that the antitrust enforcement agencies did not challenge, in part because of the lack of guidelines focused on identifying particular structural characteristics in the agricultural industry and the adverse competitive effects that such acquisitions and mergers would create.

(iii) The cost of transportation, impact on quality, and delay in sales of agricultural commodities if they are to be transported to more distant buyers may result in narrow geographic markets with respect to buyer power.

(iv) Buyers have no economic incentive to bid up the price of agricultural commodities in the absence of effective competition. Further, the nature of buying may make it feasible for larger numbers of buyers to engage in tacit or overt collusion to restrain price competition.

(v) Buyers with oligopsonistic or monopsonistic power have incentives to engage in unfair, discriminatory, and exclusionary acts that cause producers of agricultural commodities to receive less than a competitive price for their goods, transfer economic risks to sellers without reasonable compensation, and exclude sellers from access to the market.

(vi) Markets for agricultural commodities often involve contexts in which many producers have relatively limited information and bargaining power with respect to the sale of their commodities. These conditions invite buyers with significant oligopsonistic or monopsonistic power to exercise that power in ways that involve discrimination and undue differentiation among sellers.

(B) ISSUANCE OF GUIDELINES.—After consideration of the findings under subparagraph (A), the Assistant Attorney General and the Chairman, in consultation with the Special Counsel, shall issue agricultural guidelines that—

(i) facilitate a fair, open, accessible, transparent, and efficient market system for agricultural products;

(ii) recognize that not decreasing competition in the purchase of agricultural products by highly concentrated firms from a sector in perfect competition is entirely consistent with the objective of the antitrust laws to protect consumers and enhance consumer benefits from competition; and

(iii) require the Assistant Attorney General or the Chairman, as the case may be, to challenge any merger or acquisition in the agricultural industry, if the effect of that merger or acquisition may be to substantially lessen competition or tend to create a monopoly.

(C) CONTENTS.—The agricultural guidelines issued under subparagraph (B) shall consist of merger guidelines relating to existing and potential competition and vertical integration that—

(i) establish appropriate methodologies for determining the geographic and product markets for mergers affecting agricultural commodity markets;

(ii) establish thresholds of increased concentration that raise a concern that the merger will have an adverse effect on competition in the affected agricultural commodities markets;

(iii) identify potential adverse competitive effects of mergers in agricultural commodities markets in a nonexclusive manner; and

(iv) identify the factors that would permit an enforcement agency to determine when a merger in the agricultural commodities market might avoid liability because it is not likely to have an adverse effect on competition.

(2) AGRICULTURE COMPETITION TASK FORCE WORKING GROUP ON BUYING POWER.—In issuing agricultural guidelines under this subsection, the Chairman and the Assistant Attorney General shall consult with the working group on buyer power of the Task Force established under subsection (b)(4).

(3) COMPLETION.—Not later than 2 years after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall—

(A) issue agricultural guidelines under this subsection;

(B) submit to Congress the agricultural guidelines issued under this subsection; and

(C) submit to Congress a report explaining the basis for the guidelines, including why it incorporated or did not incorporate each recommendation of the working group on buyer power of the Task Force established under subsection (b)(4).

(4) REPORT.—Not later than 30 months after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall jointly submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the

House of Representatives regarding the issuing of agricultural guidelines under this subsection.

(e) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(A) by striking the title I heading and all that follows through ''This Act'' and inserting the following:

"TITLE I—GENERAL PROVISIONS

"Subtitle A—Definitions

"SEC. 1. SHORT TITLE.

''This Act''; and

(B) by inserting after section 2 (7 U.S.C. 183) the following:

"Subtitle B—Special Counsel for Agricultural Competition

"SEC. 11. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Department of Agriculture an office to be known as the 'Office of Special Counsel for Agricultural Competition' (referred to in this section as the 'Office').

''(2) DUTIES.—The Office shall—

''(A) have responsibility for all duties and functions of the Packers and Stockyards programs of the Department of Agriculture;

''(B) investigate and prosecute violations of this Act and the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

''(C) analyze mergers within the food and agricultural sectors, in consultation with the Chief Economist of the Department of Agriculture, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, and the Chairman of the Federal Trade Commission, as required under section 10201(f) of the Food and Energy Security Act of 2007;

''(D) serve as a liaison between, and act in consultation with, the Department of Agriculture, the Department of Justice, and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector; and

''(E) maintain sufficient employees (including antitrust and litigation attorneys, economists, investigators, and other professionals with the appropriate expertise) to appropriately carry out the responsibilities of the Office.

''(b) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

''(1) IN GENERAL.—The Office shall be headed by the Special Counsel for Agricultural Competition (referred to in this section as the 'Special Counsel'), who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) INDEPENDENCE OF SPECIAL AUTHORITY.—

''(A) IN GENERAL.—The Special Counsel shall report to and be under the general supervision of the Secretary.

''(B) DIRECTION, CONTROL, AND SUPPORT.—The Special Counsel shall be free from the direction and control of any person in the Department of Agriculture other than the Secretary.

''(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate any duty described in subsection (a)(2) to any other officer or employee of the Department other than the Special Counsel.

''(D) REPORTING REQUIREMENT.—

''(i) IN GENERAL.—Twice each year, the Special Counsel 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 shall include, for the relevant reporting period, a description of—

''(I) the number of complaints that the Special Counsel has received and closed;

''(II)(aa) the number of investigations and civil and administrative actions that the Special Counsel has initiated, carried out, and completed, including the number of notices given to regulated entities for violations of this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

''(bb) the number and types of decisions agreed to; and

''(cc) the number of stipulation agreements; and

''(III) the number of investigations and civil and administrative actions that the Secretary objected to or prohibited from being carried out, and the stated purpose of the Secretary for each objection or prohibition.

''(ii) REQUIREMENT.—The basis for each complaint, investigation, or civil or administrative action described in a report under clause (i) shall—

''(I) be organized by species; and

''(II) indicate if the complaint, investigation, or civil or administration action was for anti-competitive, unfair, or deceptive practices under this Act or was a violation of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

''(E) REMOVAL.—

''(i) IN GENERAL.—The Special Counsel may be removed from office by the President.

''(ii) COMMUNICATION.—The President shall communicate the reasons for any such removal to both Houses of Congress.

''(3) PROSECUTORIAL AUTHORITY.—Subject to paragraph (4), the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, any civil or administrative action authorized under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

''(4) PROCEDURE FOR EXERCISE OF AUTHORITY TO LITIGATE OR APPEAL.—

''(A) IN GENERAL.—Prior to commencing, defending, or intervening in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), the Special Counsel shall give written notification to, and attempt to consult with, the Attorney General with respect to the proposed action.

''(B) FAILURE TO RESPOND.—If, not later than 45 days after the date of provision of notification under subparagraph (A), the Attorney General has failed to commence, defend, or intervene in the proposed action, the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, the action and any appeal of the action in the name of the Special Counsel.

''(C) AUTHORITY OF ATTORNEY GENERAL TO INTERVENE.—Nothing in this paragraph precludes the Attorney General from intervening on behalf of the United States in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), or in any appeal of such action, as may be otherwise provided by law.

''(c) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section modifies or otherwise effects subsections (a) and (b) of section 406.

''(d) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a)(2)(E).''.

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Special Counsel for Agricultural Competition.''.

(f) AGRIBUSINESS MERGER REVIEW AND ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE.—

(1) NOTICE.—The Assistant Attorney General or the Commissioner, as appropriate, shall notify the Secretary of any filing under section 7A of the Clayton Act (15 U.S.C. 18a) involving a merger or acquisition in the agricultural industry, and shall give the Secretary the opportunity to participate in the review proceedings.

(2) REVIEW.—

(A) IN GENERAL.—After receiving notice of a merger or acquisition under paragraph (1), the Secretary may submit to the Assistant Attorney General or the Commissioner, as appropriate, and publish the comments of the Secretary regarding that merger or acquisition, including a determination regarding whether the merger or acquisition may present significant competition and buyer power concerns, such that further review by the Assistant Attorney General or the Commissioner, as appropriate, is warranted.

(B) SECOND REQUESTS.—For any merger or acquisition described in paragraph (1), if the Assistant Attorney General or the Chairman, as the case may be, requires the submission of additional information or documentary material under section 7A(e)(1)(A) of the Clayton Act (15 U.S.C. 18a(e)(1)(A))—

(i) copies of any materials provided in response to such a request shall be made available to the Secretary; and

(ii) the Secretary—

(I) shall submit to the Assistant Attorney General or the Chairman such additional comments as the Secretary determines appropriate; and

(II) shall publish a summary of any comments submitted under subclause (I).

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall submit an annual report to Congress regarding the review of mergers and acquisitions described in paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall provide a description of each merger or acquisition described in paragraph (1) that was reviewed by the Secretary during the year before the date that report is submitted, including—

(i) the name and total resources of each entity involved in that merger or acquisition;

(ii) a statement of the views of the Secretary regarding the competitive effects of that merger or acquisition on agricultural markets, including rural communities and small, independent producers; and

(iii) a statement indicating whether the Assistant Attorney General or the Chairman, as the case may be, instituted a proceeding or action under the antitrust laws, and if so, the status of that proceeding or action.

(g) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION.—There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers, and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing and poultry industries by hiring litigating attorneys to allow the Grain Inspection, Packers, and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

SA 3718. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 391, strike lines 24 and 25 and insert the following:

(A) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

On page 392, line 18, insert ''and'' after the semicolon.

On page 392, between lines 18 and 19, by inserting the following:

(ii) by adding at the end the following:

''(C) CERTAIN PAYMENTS.—Once a producer receives over $240,000 in cumulative payments under the program, regardless of the number of contracts entered into by the producer under this chapter, the cost-share applicable to payments to that producer shall be not more than 25 percent.'';

SA 3719. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2012, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 35 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used—

(1) to provide $15,000,000 for each of fiscal years 2008 through 2012 to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1943);

(2) to provide an additional $35,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 through 2012 to carry out section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) (as amended by section 6401);

(3) to provide an additional $5,000,000 for each of fiscal years 2008 through 2012 to carry out 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.);

(4) to provide an additional $10,000,000 for each of fiscal years 2008 through 2012 to carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) (as amended by section 11052);

(5) to provide an additional $30,000,000 for each of fiscal years 2008 through 2012 to carry out the farmland 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.) (commonly known as the ''Farm and Ranch Lands Protection Program'') ;

(6) to provide an additional $5,000,000 for fiscal year 2008 to carry out the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(7) to carry out sections 4101 and 4013 (and the amendments made by those sections), without regards to paragraphs (1) and (3) of section 4908(b); and

(8) to make any funds that remain available after providing funds under paragraphs (1) through (7) to the Commodity Credit Corporation for use in carrying out section 1942.

SEC. 1942. FLEXIBLE STATE FUNDS.

(a) FUNDING.—

(1) BASE GRANTS.—The Secretary shall make a grant to each State to be used to benefit agricultural producers and rural communities in the State, in the amount of—

(A) for fiscal year 2008, $220,000; and

(B) for the period of fiscal years 2009 through 2017, $2,500,000.

(2) PROPORTIONAL FUNDING.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall allocate amounts described in section 1941(b)(4) among the States based on the proportion of savings realized under section 1941(a) for each State.

(B) STATE FUNDS.—The Secretary shall maintain a separate account for each State consisting of amounts allocated for the State in accordance with subparagraph (A).

(C) USE OF FUNDS.—The Secretary shall use amounts maintained in a State account described in subparagraph (B) to carry out eligible programs in the appropriate State in accordance with a determination made by a State board under subsection (b)(4).

(b) STATE BOARDS.—

(1) IN GENERAL.—Each State shall establish a State board that consists of the State directors of—

(A) the Farm Service Agency;

(B) the Natural Resources Conservation Service; and

(C) the programs carried out by the Under Secretary for Rural Development.

(2) STATE CONCURRENCE.—Before any allocation of funds is made to a State board, the Secretary shall ensure that the applicable State department of agriculture reviews and is in concurrence with the proposed allocation.

(3) PRODUCER STAKEHOLDER INPUT.—A State board established under paragraph (1) shall conduct appropriate outreach activities with respect to producers and local rural and agriculture industry leaders to collect information and provide advice regarding the needs and preferred uses of the funds provided under this section.

(4) DETERMINATION.—

(A) IN GENERAL.—Each State board shall determine the use of funds allocated under subsection (a)(2) among the eligible programs described in subsection (c)(1).

(B) REQUIREMENT.—Of the funds allocated under subsection (a)(2) during each 5-year period, at least 20 percent of the funds shall be used to carry out eligible programs described in subparagraphs (M) through (P) of subsection (c)(1).

(c) ELIGIBLE PROGRAMS.—

(1) IN GENERAL.—Funds allocated to a State under subsection (b) may be used in the State—

(A) to provide stewardship payments for conservation practices under the conservation security program established 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.);

(B) to provide cost share for projects to reduce pollution under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), including manure management;

(C) to assist States and local groups to purchase development rights from farms and slow suburban sprawl under the farmland 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.) (commonly known as the ''Farm and Ranch Lands Protection Program'');

(D) 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.);

(E) to provide loans and loan guarantees to improve broadband access in rural areas in accordance with the program under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb);

(F) to provide to rural community facilities loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(G) to provide water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(H) to make value-added agricultural product market development grants under section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224);

(I) the rural microenterprise assistance program under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022);

(J) to provide organic certification cost share or transition funds under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(K) to provide grants under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001);

(L) to provide grants under the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(M) to provide vouchers for the seniors farmers' market nutrition program under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007);

(N) to provide vouchers for the farmers' market nutrition program established under section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m));

(O) to provide grants to improve access to local foods and school gardens under section 18(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(i)); and

(P) subject to paragraph (2), to provide additional locally or regionally produced commodities for use by the State any of—

(i) the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act (as added by section 4903);

(ii) the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86);

(iii) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(iv) the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(v) the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(b)).

(2) WAIVERS.—

(A) IN GENERAL.—The Secretary may waive a local or regional purchase requirement under any program described in clauses (i) through (v) of paragraph (1)(P) if the applicable State board demonstrates to the satisfaction of the Secretary that a sufficient quality or quantity of a local or regional product is not available.

(B) EFFECT.—A product purchased by a State board that receives a waiver under subparagraph (A) in lieu of a local or regional product shall be produced in the United States.

(d) MAINTENANCE OF EFFORT.—Funds made available to a program of a State under this section shall be in addition to, and shall not supplant, any other funds provided to the program under any other Federal, State, or local law (including regulations).

SEC. 1943. 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 et seq.) (as amended by section 6028) is amended by adding at the end the following:

"SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

''(a) 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 rural health facility 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 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 in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

''(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

''(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

''(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

''(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

''(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

''(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

''(F) a physician or physician group practice that is located in a rural area.

''(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

''(1) purchasing health information technology to improve the quality of health care or patient safety; or

''(2) otherwise improving the quality of health care or patient safety, including through the development of—

''(A) quality improvement support structures to assist rural health facilities and professionals—

''(i) to increase integration of personal and population health services; and

''(ii) to 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.

''(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

''(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

''(1) to evaluate the project for which the grant is used; and

''(2) to ensure that the grant is expended for the purposes for which the grant was provided.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SA 3720. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after line 24, add the following:

SEC. 19___ SHARE OF RISK; REIMBURSEMENT RATE; FUNDING AND ADMINISTRATION.

(a) SHARE OF RISK.—

(1) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(A) by striking ''require the reinsured'' and inserting the following: ''require—

''(A) the reinsured'';

(B) by striking the period at the end and inserting ''; and''; and

(C) 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 book of business of the approved insurance provider that is described in clause (i).''.

(2) 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:

''(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).''.

(3) EFFECTIVE DATE.—The amendments made by this section take effect on June 30, 2008.

(b) REIMBURSEMENT RATE.—Notwithstanding section 1911, section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking ''Except as provided in subparagraph (B)'' and inserting ''Except as otherwise provided in this paragraph''; and

(2) by adding at the end the following:

''(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 4.0 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio, except that the reduction shall not apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

''(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.''.

(c) FUNDING AND ADMINISTRATION.—Notwithstanding section 2401, section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''2007'' and inserting ''2012''; and

(2) by striking paragraphs (3) through (7) and inserting the following:

''(3) The conservation security program under subchapter A of chapter 2, using $2,317,000,000 to administer contracts entered into as of the day before the date of enactment of the Food and Energy Security Act of 2007, to remain available until expended.

''(4) The conservation stewardship program under subchapter B of chapter 6.

''(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable, $110,000,000 for each of fiscal years 2008 through 2012.

''(6) The grassland reserve program under chapter C of chapter 2, using, to the maximum extent practicable, $300,000,000 for the period of fiscal years 2008 through 2012.

''(7) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

''(A) $1,345,000,000 for fiscal year 2008;

''(B) $1,350,000,000 for fiscal year 2009;

''(C) $1,385,000,000 for fiscal year 2010; and

''(D) $1,420,000,000 for each of fiscal years 2011 and 2012.''.

SA 3721. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, after line 19, add the following:

SEC. 2202. MUCK SOIL CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this

Act, the Secretary shall establish a muck soil conservation grant program under which the Secretary shall make grants to eligible owners and operators of land described in subsection (b) to assist the owners and operators to conserve and improve the soil, water, and wildlife resources of the land.

(b) ELIGIBLE OWNER OR OPERATOR.—To be eligible to receive a grant under this section, an individual shall be an owner of operator of land—

(1) that is comprised of soil that qualifies as muck, as determined by the Secretary;

(2) that is used for production of an agricultural crop;

(3) within which is planted, during each appropriate growing season—

(A) a spring cover crop that is planted in conjunction with a primary agricultural crop described in paragraph (2); and

(B) a winter crop; and

(4) that has ditch banks that are—

(A) seeded with grass; and

(B) maintained on a year-round basis.

(c) AMOUNT OF GRANT.—A grant provided under this section shall be in an amount that is—

(1) not less than $300 per acre, per year; and

(2) not greater than $500 per acre, per year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SA 3722. Mr. DURBIN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (1)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use to carry out this section—

''(A) $140,000,000 for fiscal year 2009;

''(B) $180,000,000 for fiscal year 2010;

''(C) $220,000,000 for fiscal year 2011; and

''(D) $260,000,000 for fiscal year 2012.''; and

(B) in paragraph (2), by striking ''such sums'' and all that follows through ''2007'' and inserting ''$300,000,000 for each of fiscal years 2008 through 2012''.

SEC. 3109. OFFSET.

Section 901(b)(4)(A) of the Trade Act of 1974 (as added by section 12101(a)) is amended by striking clause (ii) and inserting the following:

''(ii)(I) 30 percent of the amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or section 1103 of the Food and Energy Security Act of 2007 or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section; and

''(II) 20 percent of the amount of any counter-cyclical payments made to the producer under section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) or section 1104 of the Food and Energy Security Act of 2007 or of any revenue enhancement payment made at the election of the producer in lieu of that section or a subsequent section;''.

SA 3723. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REGULATION OF THE PET INDUSTRY.

(a) HIGH-VOLUME RETAILERS AND IMPORTERS.—

(1) IN GENERAL.—The Animal Welfare Act is amended by adding after section 19 (7 U.S.C. 2149) the following:

''SEC. 20. REGULATION OF HIGH-VOLUME RETAILERS AND IMPORTERS.

''(a) DEFINITIONS.—In this section:

''(1) CERTIFIED THIRD-PARTY INSPECTOR.—The term 'certified third-party inspector' means a nonprofit organization certified by the Secretary in accordance with subsection (d).

''(2) IMPORTER.—The term 'importer' has the same meaning as the term 'regulated person', except that the term also includes any person that imports into the United States any dog or cat for resale.

''(3) REGULATED PERSON.—

''(A) IN GENERAL.—The term 'regulated person' means any person who in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of—

''(i) any dog or other animal (whether alive or dead) for research, teaching, or exhibition;

''(ii) any dog or cat (whether alive or dead) at wholesale or retail; or

''(iii) any dog or cat imported into the United States for resale.

''(B) EXCEPTIONS.—The term 'regulated person' does not include—

''(i) a retail pet store, except for a retail pet store that sells—

''(I) any animal to a research facility, an exhibitor, or a regulated person; or

''(II) any dog or cat imported into the United States directly by the retail pet store;

''(ii) any animal shelter, rescue organization, or other person that does not operate for profit; or

''(iii) any person that—

''(I) sells dogs and cats only at retail;

''(II) does not import dogs and cats for resale; and

''(III)(aa) sells not more than the total number of dogs and cats described in subparagraph (C); or

''(bb) in accordance with regulations promulgated by the Secretary, is determined to be in compliance with the standards of a third-party inspector certified under subsection (d).

''(C) DESCRIPTION.—The number of dogs and cats referred to in subparagraph (B)(iii)(III)(aa) is not more than—

''(i) a total of 25 dogs and cats not bred or raised on the premises of the seller during a calendar year; or

''(ii)(I) the number of dogs and cats bred or raised during a calendar year on the premises of the seller and sold directly at retail to persons who purchase the dogs and cats for personal use and enjoyment and not for resale, provided that the total number sold during a calendar year is not more than the greater of 25 dogs and cats or the dogs and cats from not more than 6 litters; and

''(II) a total of 25 other dogs and cats not bred or raised on the premises of the seller during the calendar year.

''(4) RETAIL.—The term 'retail' means any sale that is not at wholesale.

''(5) RETAIL PET STORE.—

''(A) IN GENERAL.—The term 'retail pet store' means a retail business establishment that—

''(i) maintains a physical premises that is open to the public; and

''(ii) sells pet animals directly to the public from the retail business premises.

''(B) EXCLUSION.—The term 'retail pet store' does not include—

''(i) a person breeding dogs or cats to sell at wholesale or retail; or

''(ii) a person importing dogs or cats from outside the United States for resale.

''(6) WHOLESALE.—The term 'wholesale' means the sale of an animal for resale.

''(b) TREATMENT OF REGULATED PERSONS.—The Secretary shall treat a regulated person in the same manner that the Secretary treats a dealer under this Act.

''(c) ALTERNATIVE LICENSING OPTION.—The Secretary may issue a license under section 3 to a regulated person that deals in dogs or cats if the regulated person—

''(1) has demonstrated that the facilities of the regulated person comply with standards promulgated by the Secretary in accordance with section 13; or

''(2) has demonstrated in accordance with regulations promulgated by the Secretary that the facilities of the regulated person comply with standards established by a certified third-party inspector.

''(d) THIRD-PARTY INSPECTORS.—

''(1) REGULATIONS.—

''(A) IN GENERAL.—Not later than 36 months after the date of enactment of this subsection, the Secretary shall promulgate regulations under which the Secretary may certify nonprofit organizations that the Secretary determines to have standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2).

''(B) REQUIREMENTS.—Regulations promulgated under subparagraph (A) shall—

''(i) establish procedures under which the Secretary may certify third-party inspectors, including provisions for public notice of—

''(I) third-party certification applications;

''(II) certification decisions by the Secretary; and

''(III) the standards and inspection protocols of certified third-party inspectors;

''(ii) require each certified third-party inspector to be recertified not less than once every 3 years;

''(iii) establish procedures under which the Secretary shall decertify a certified third-party inspector that the Secretary determines has failed to maintain standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2);

''(iv) require each certified third-party inspector to immediately notify the Secretary of any person inspected by the certified third-party inspector—

''(I) whose conduct places the health of an animal in serious danger; or

''(II) who otherwise fails to comply with the standards established by the inspector (including a description of the specific failure);

''(v) require each certified third-party inspector to submit to the Secretary an annual summary report describing—

''(I) the number of inspections conducted;

''(II) the number of persons found to be out-of-compliance with the standards of the certified third-party inspector and the response actions taken;

''(III) the types of non-compliance found; and

''(IV) such other information about the program of the certified third-party inspector as the Secretary shall require, without revealing personal information about inspected persons, to ensure that the program of the third-party inspector is maintaining standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2);

''(vi) require certified third-party inspectors to submit to the Secretary copies of all inspection reports on an annual basis;

''(vii) establish procedures under which the Secretary may require certified third-party inspectors to participate in training and education programs carried out through the Animal and Plant Health Inspection Service; and

''(viii) establish procedures for compliance audits of third-party inspections.

''(C) FOIA EXEMPTION.—Section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act') shall not apply to reports described in subparagraph (B)(vi).

''(2) INSPECTIONS.—

''(A) IN GENERAL.—The Secretary shall promulgate regulations under which a regulated person dealing in dogs and cats may elect to have a certified third-party inspector inspect the regulated person and report the results of the inspection to the Secretary in lieu of inspection by the Secretary.

''(B) THIRD-PARTY INSPECTIONS OPTIONAL.—No regulated person shall be required under this Act to be inspected by a certified third-party inspector.

''(C) LIMITATION.—No person other than a regulated person may make the election described in subparagraph (A).

''(3) ENFORCEMENT.—

''(A) IN GENERAL.—The Secretary shall have exclusive enforcement authority over any violation of this Act.

''(B) INITIATION OF ACTION.—The Secretary shall investigate and, if appropriate, initiate enforcement action under this Act, immediately upon receiving notification under paragraph (1)(B)(iv).

''(4) USE OF APPROPRIATED FUNDS.—

''(A) IN GENERAL.—The Secretary may use funds appropriated to the Department of Agriculture to carry out this subsection.

''(B) PROHIBITION.—A certified third-party inspector may not use funds appropriated to Department of Agriculture.

''(e) ACCESS TO SOURCE RECORDS FOR DOGS AND CATS.—Notwithstanding any other provision of this Act, all regulated persons and retail pet stores shall prepare, retain, and make available at all reasonable times for inspection and copying by the Secretary, for such reasonable period of time as the Secretary may prescribe, a record of—

''(1)(A) the name and address of the person from whom each dog or cat acquired for resale was purchased or otherwise acquired; or

''(B) if that information is not known, the source of the dog or cat; and

''(2) if the person from whom the dog or cat was obtained is a dealer licensed by the Secretary, the Federal dealer identification number of the person.

''(f) IMPORTATION OF LIVE DOGS AND CATS.—

''(1) FINDINGS.—Congress finds that—

''(A) regulating imports of dogs and cats for resale, including restricting importation of puppies and kittens for resale, is consistent with provisions of international agreements to which the United States is a party that expressly allow for measures that are necessary—

''(i) to protect animal life or health;

''(ii) to protect human health; and

''(iii) to enjoin the use of deceptive trade practices in international and domestic commerce;

''(B) the importation of puppies into the United States for resale is increasing;

''(C) the breeding of puppies and kittens in foreign countries for resale in the United States creates opportunities and incentives for evasion of United States laws (including regulations) relating to the humane care and treatment of breeding stock, puppies, and kittens;

''(D) the conditions under which puppies are transported into the United States for resale are frequently inhumane and in violation of domestic and international standards;

''(E) there is an unacceptably high incidence of disease and death among puppies imported into the United States for resale;

''(F) the importation of puppies and kittens for resale creates unacceptable incentives for evasion of United States laws (including regulations) intended to protect animal and human health in the United States, including quarantine regulations; and

''(G) puppies and kittens imported for resale may be accompanied by fraudulent health and breeding documents, imposing high economic and emotional costs and fraud on United States citizens.

''(2) ENFORCEMENT.—An importer that fails to comply with any Federal law (including a regulation) relating to the importation of live dogs and cats into the United States shall be subject to this Act, including penalties under section 19.

''(3) REGULATIONS.—Not later than 24 months after the date of enactment of this section, the Secretary, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security, shall promulgate regulations relating to the importation of live dogs and cats into the United States for resale.

''(4) REQUIREMENTS.—Regulations promulgated under paragraph (3) shall require that—

''(A) any importer that imports into the United States a dog or cat in violation of this Act shall provide for the care, forfeiture, and adoption of the dog or cat, at the expense of the importer; and

''(B) dogs imported into the United States for resale—

''(i) be not less than 6 months of age;

''(ii) have received all necessary vaccinations, as determined by the Secretary; and

''(iii) be in good health, as determined by the Secretary.''.

(2) REGULATIONS.—Not later than 36 months after the date of enactment of this Act, the Secretary shall promulgate final regulations to carry out the amendment made by paragraph (1)

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date on which final regulations described in paragraph (2) take effect.

(b) EXTENSION OF TEMPORARY SUSPENSION PERIOD.—Section 19(a) of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) EXTENSION OF TEMPORARY SUSPENSION PERIOD.—If the Secretary has reason to believe that a violation that results in a temporary suspension pursuant to paragraph (1) is continuing or will continue after the expiration of the 21-day temporary suspension period described in that paragraph, and the violation will place the health of any animal in serious danger in violation of this Act, the Secretary may extend the temporary suspension period for such additional period as is necessary to ensure that the health of an animal is not in serious danger, as determined by the Secretary, but not to exceed 60 days.''.

(c) AUTHORITY TO APPLY FOR INJUNCTIONS.—Section 29 of the Animal Welfare Act (7 U.S.C. 2159) is amended—

(1) in subsection (a), by inserting ''or that any person is acting as a dealer or exhibitor without a valid license that has not been suspended or revoked, as required by this Act,'' after ''promulgated thereunder,'';

(2) in subsection (b), by striking the last sentence; and

(3) by adding at the end the following:

''(c) INJUNCTIONS; REPRESENTATION.—

''(1) INJUNCTIONS.—The Secretary may apply directly to the appropriate United States district court for a temporary restraining order or injunction described in subsection (a).

''(2) REPRESENTATION.—Attorneys of the Department of Agriculture may represent the Secretary in United States district court in any civil action brought under this section.''.

(d) EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section (including any regulations promulgated as a result of this section) preempts any State law (including a regulation) that provides stricter requirements than the requirements provided in the amendments made by this section.

SA 3724. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 108, strike line 3 and all that follows through page 123, line 8 and insert the following:

(A) the 2009, 2010, 2011, and 2012 crop years;

(B) the 2010, 2011, and 2012 crop years;

(C) the 2011 and 2012 crop years; or

(D) the 2012 crop year.

(2) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make the election described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) 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 payments and loans under subtitle A for all covered commodities and peanuts on the farm for the applicable crop year.

(b) PAYMENTS REQUIRED.—

(1) IN GENERAL.—In the case of producers on a farm who make the election under subsection (a) to receive average crop revenue payments, for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make average crop revenue payments available to the producers on a farm in accordance with this subsection.

(2) FIXED PAYMENT COMPONENT.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make average crop revenue payments available to the producers on a farm for each crop year in an amount equal to not less than the product obtained by multiplying—

(A) $15 per acre; and

(B) 100 percent of the lower of—

(i) the quantity of base acres on the farm for all covered commodities and peanuts (as adjusted in accordance with the terms and conditions of section 1101 or 1302, as determined by the Secretary); or

(ii) the average of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm during the 2002 through 2007 crop years.

(3) REVENUE COMPONENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

(B) PRICES.—The Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

(i) the amount determined by multiplying—

(I) the actual yield for the covered commodity or peanuts of the producers on the farm; and

(II) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under subsection (c)(3); is less than

(ii) the amount determined by multiplying—

(I) the yield used to calculate crop insurance coverage for the covered commodity or peanuts on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (commonly referred to as ''actual production history''); and

(II) the pre-planting price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3).

(4) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make—

(A) payments under the fixed payment component described in paragraph (2) not earlier than October 1 of the calendar year in which the crop of the covered commodity or peanuts is harvested; and

(B) payments under the revenue component described in paragraph (3) beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(3)(A), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

(B) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (d)(1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) AVERAGE CROP REVENUE PROGRAM HARVEST PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the average crop revenue program harvest price for a crop year for a covered commodity or peanuts in a State shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity or peanuts in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(B) ASSIGNED PRICE.—If the Secretary cannot establish the harvest price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(d) AVERAGE CROP REVENUE PROGRAM GUARANTEE.—

(1) IN GENERAL.—The average crop revenue program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(A) the expected State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(B) the average crop revenue program preplanting price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) EXPECTED STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the projected yield for the crop year for the covered commodity or peanuts in the State, based on a linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State (as determined under subparagraph (A)) is negative, the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) AVERAGE CROP REVENUE PROGRAM PREPLANTING PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraphs (B) and (C), the average crop revenue program pre-planting price for a crop year for a covered commodity or peanuts in a State shall equal the average price that is used to calculate revenue under revenue coverage plans that are offered for the covered commodity in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop year and the preceding 2 crop years.

(B) ASSIGNED PRICE.—If the Secretary cannot establish the pre-planting price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(C) MINIMUM AND MAXIMUM PRICE.—In the case of each of the 2011 through 2012 crop years, the average crop revenue program preplanting price for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 15 percent from the pre-planting price for the preceding year.

(e) PAYMENT AMOUNT.—Subject to subsection (f), if average crop revenue payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under subsection (b)(3), in addition to the amount payable under subsection (b)(2), the amount of the average crop revenue payment to be paid to the producers on the farm for the crop year under this section shall be increased by an amount equal to the product obtained by multiplying—

(1) the difference between—

(A) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(B) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c);

(2) 95 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year;

(3) the quotient obtained by dividing—

(A) the expected county yield for the crop year, determined for the county in the same manner as the expected State yield is determined for a State under subsection (d)(2); by

(B) the expected State yield for the crop year, as determined under subsection (d)(2); and

(4) 90 percent.

(f) LIMITATION ON PAYMENT AMOUNT.—The amount of the average crop revenue payment to be paid to the producers on a farm for a crop year of a covered commodity or peanuts under subsection (e) shall not exceed 25 percent of the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in a State determined under subsection (d)(1).

(g) RECOURSE LOANS.—For each of the 2009 through 2012 crops of a covered commodity or peanuts, the Secretary shall make available to producers on a farm who elect to receive payments under this section recourse loans, as determined by the Secretary, on any production of the covered commodity.

SEC. 1402. PRODUCER AGREEMENT AS CONDITION OF AVERAGE CROP REVENUE PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive average crop revenue payments with respect to the farm, the producers shall agree, and in the case of subparagraph (C), the Farm Service Agency shall certify, 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.); and

(C) that the individuals or entities receiving payments are producers;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under part III of subtitle A, for an

agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use (including land subdivided and developed into residential units or other nonfarming uses, or that is otherwise no longer intended to be used in conjunction with a farming operation), 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, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(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 for which average crop revenue payments are made shall result in the termination of the payments, unless the transferee or owner of the farm 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 an average crop revenue 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.—

(1) IN GENERAL.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PENALTIES.—No penalty with respect to benefits under subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(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 average crop revenue payments among the producers on a farm on a fair and equitable basis.

(f) AUDIT AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(1) conduct an audit of average crop revenue payments; and

(2) submit to Congress a report that describes the results of that audit.

SEC. 1403. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm for which the producers on a farm elect to receive average crop revenue payments (referred to in this section as ''base acres'').

(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 mung beans and pulse crops).

(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 average crop revenue 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) average crop revenue payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—Producers on a farm that elect to receive average crop revenue payments shall be eligible to participate in the pilot program established under section 1106(d) under the same terms and conditions as producers that receive direct payments and counter-cyclical payments.

(e) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), effective beginning with the 2009 crop.

SA 3725. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 336, strike lines 6 through 21 and insert the following:

''(4) COMPENSATION.—Effective on the date of enactment of this paragraph, the Secretary shall pay the lowest amount of compensation for a conservation easement, as determined by a comparison of—

''(A) the amount necessary to encourage the enrollment of parcels of land that are of importance in achieving the purposes of the program, as determined by the State Conservationist, in cooperation with the State technical committee, based on—

''(i) the net present value of 30 years of annual rental payments based on the county simple average soil rental rates developed under subchapter B;

''(ii) an area-wide market analysis or survey; or

''(iii) an amount not less than the value of the agricultural or otherwise undeveloped raw land based on the Uniform Standards of Professional Appraisal Practices;

''(B) the amount corresponding to a geographical area value limitation, as determined by the State Conservationist, in cooperation with the State technical committee; and

''(C) the amount contained in the offer made by the landowner.

''(5) PAYMENT SCHEDULE.—Except as otherwise provided in this subchapter, payments may be provided under this subchapter pursuant to an easement agreement, contract, or other agreement, in a lump sum payment, or in not more than 30 annual payments in equal or unequal amounts, as agreed to by the Secretary and the landowner.''.

SA 3726. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended by striking subsection (c) and inserting the following:

''(c) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

''(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

''(A) $3,000,000; or

''(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.

''(3) EASTERN SNAKE PLAIN AQUIFER PILOT.—

''(A) IN GENERAL.—Of the funds made available under paragraph (1), the Secretary shall reserve not less than $2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

''(B) APPROVAL.—The Secretary may approve regional water conservation activities under this paragraph that address, in whole or in part, water quality issues.''.

SA 3727. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended by striking subsection (c) and inserting the following:

''(c) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

''(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

''(A) $3,000,000; or

''(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.''.

SA 3728. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 471, strike line 22 and insert the following:

''(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

''(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

''(aa) the Chesapeake Bay;

''(bb) the Upper Mississippi River basin;

''(cc) the greater Everglades ecosystem;

''(dd) the Klamath River basin;

''(ee) the Sacramento/San Joaquin River watershed;

''(ff) the Mobile River Basin; and

''(gg) the Ogallala Aquifer.

''(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

''(v) DURATION.—

SA 3729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 398, strike lines 22 through 26 and insert the following:

''(8) to assist producers in developing water conservation plans;

''(9) to reduce groundwater depletion, with priority given to regions that have significant rates of withdrawal or historic depletions due to agricultural use; and

''(10) to promote any other measures that improve groundwater and surface water conservation, as determined by the Secretary.

SA 3730. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 775, strike line 22 and all that follows through page 776, line 19 and insert the following:

''(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

''(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than—

''(i) an area described in clause (i), (ii), or (iii) of subparagraph (A); and

''(ii) a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine (pursuant to a petition by a local comunity or on the inititative of the Under Secretary) that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

''(ii) ADMINISTRATION.—In carrying out clause (i), the Under Secretary for Rural Development—

''(I) shall not delegate the authority described in clause (i); but

''(II) shall consult with the applicable rural development State or regional director of the Department of Agriculture.

''(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.''.

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act and each year thereafter, 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—

(1) assesses the various definitions of the term ''rural'' and ''rural area''that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs;

(4) describes the effects the changes to the definitions of the terms ''rural'' and ''rural area'' in the Farm Security and Rural Investment Act of 2002 and this Act had on those programs and eligible areas; and

(5) determines what effects the changes had on the level of rural development funding and participation in those programs in each State.

SA 3731. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 776 strike line 19 and insert the following:

20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

''(ii) DELEGATIONS.—The authority described in clause (i) may not be delegated by the Under Secretary for Rural Development.

''(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because a census block in the cluster is adjacent to only 1 census block that—

''(i) is otherwise considered not in a rural area under this paragraph; and

''(ii) is also adjacent to only 1 census block that is otherwise considered not in a rural area.''.

SA 3732. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agrucultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 774, strike line 10 and all that follows through page 776, line 19, and insert the following:

(a) RURAL AREA.—

(1) DEFINITION.—Section 343(a)(13) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The terms 'rural' and 'rural area' mean—

''(i) any area other than a city or town that has a population of greater than 50,000 inhabitants, except that, for all activities under programs in the rural development mission area within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any portion of the areas as a rural area or eligible rural community that the Secretary determines is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place; and

''(ii) any urbanized area contiguous and adjacent to such a city or town.''.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, 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—

(A) assesses the various definitions of the term ''rural'' that are used with respect to programs administered by the Secretary addressed in this title of this Act;

(B) describes the effects that the variations in those definitions have on those programs; and

(C) makes recommendations for ways to better target funds provided through rural development programs addressed in this title of this Act.

SA 3733. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that reduce dependence on antibiotic use.''.

On page 987, line 18, insert after ''genomics)'' the following: '', the movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters, and methods and practices to ensure health and reduce the use of antibiotics; and methods to transition to practices and systems that minimize antibiotic use''.

On page 1002, after line 21, insert the following:

SEC. 73___. RESEARCH AND EDUCATION GRANTS TO PREVENT ANTIBIOTIC RESISTANT BACTERIA THAT MAY BE TRANSFERRED FROM LIVESTOCK TO HUMANS.

(a) IN GENERAL.—The Secretary shall award research and education grants to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

(1) be an institution of higher education, a public or private nonprofit organization, or an individual; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—An entity shall use a grant awarded under this section to conduct research to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans, including research on—

(1) methods and practices of animal husbandry that reduce dependence on antibiotic use;

(2) movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters;

(3) methods and practices that ensure health and reduce use of antibiotics;

(4) methods to transition to practices and systems that avoid antibiotic use; and

(5) the transmission of antibiotic resistant traits among related and unrelated bacteria.

(d) ADMINISTRATION.—Grants under this section shall be awarded on a competitive and formula basis.

(e) 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.

SA 3734. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that reduce dependence on antibiotic use.''.

On page 987, line 18, insert after ''genomics)'' the following: '', the movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters, and methods and practices to ensure health and reduce the use of antibiotics; and methods to transition to practices and systems that minimize antibiotic use''.

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(a) IN GENERAL.—The Secretary shall award research and education grants to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

(1) be an institution of higher education, a public or private nonprofit organization, or an individual; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—An entity shall use a grant awarded under this section to conduct research to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans, including research on—

(1) methods and practices of animal husbandry that reduce dependence on antibiotic use;

(2) movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters;

(3) methods and practices that ensure health and reduce use of antibiotics;

(4) methods to transition to practices and systems that avoid antibiotic use; and

(5) the transmission of antibiotic resistant traits among related and unrelated bacteria.

(d) ADMINISTRATION.—Grants under this section shall be awarded on a competitive and formula basis.

(e) 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.

SA 3735. Mrs. CLINTON (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike line 24 and insert the following:

''(j) COMPREHENSIVE RURAL BROADBAND STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, and annually thereafter, 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 describing a comprehensive rural broadband strategy that includes—

''(A) recommendations—

''(i) 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;

''(ii) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

''(iii) to address both short- and long-term solutions and needs assessments for a rapid build-out of rural broadband solutions and applications for Federal, State, regional, and local government policy makers;

''(iv) 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

''(v) 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

''(B) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

''(2) UPDATES.—The Under Secretary shall update and evaluate the report described in paragraph (1) on an annual basis.

''(k) FUNDING.—

SA 3736. Mr. WYDEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1097, strike line 1 and all that follows through page 1103, line 15, and insert the following:

"SEC. 9004. BIOENERGY CROP TRANSITION ASSISTANCE.

''(a) BIOENERGY CROP TRANSITION ASSISTANCE PROGRAM.—

''(1) PURPOSES.—The purposes of the program established under this subsection are—

''(A) to promote the production of a diverse array of eligible bioenergy crops across the United States in a sustainable manner that protects the soil, air, water, and wildlife, to the maximum extent practicable;

''(B) to provide financial and technical assistance to owners and operators of eligible cropland to produce perennial bioenergy crops of suitable quality and in sufficient quantities to support and induce development and expansion of the use of the bioenergy crops for—

''(i) biofuels; or

''(ii) power or heat generation to supplement or replace nonbiobased energy resources; and

''(C) to gather technical information necessary to increase sustainable bioenergy crop production in the future.

''(2) DEFINITIONS.—In this section:

''(A) BIOENERGY CROP.—

''(i) IN GENERAL.—The term 'bioenergy crop' means a perennial tree or plant native to the United States or another perennial plant as determined by the Secretary, that can be grown to provide raw renewable biomass energy or biofuels.

''(ii) EXCLUSIONS.—The term 'bioenergy crop' does not include—

''(I) any crop that is eligible for benefits under title I of the Food and Energy Security Act of 2007;

''(II) any plant that—

''(aa) the Secretary determines to be invasive or noxious on a regional basis under the Plant Protection Act (7 U.S.C. 7701 et seq.); or

''(bb) has the potential to become invasive or noxious on a regional basis as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies; or

''(III) any plant produced on land that, as of the date of enactment of the Food and Energy Security Act of 2007, is—

''(aa) in accordance with clause (iii), grassland that was not previously tilled or broken, as defined by the Secretary, in consultation with the Secretary of the Interior;

''(bb) native forest; or

''(cc) wetland.

''(iii) GRASSLAND.—Grassland described in clause (ii)(III)(aa) does not include land that, for at least 3 of the 5 crop years preceding the date of enactment of the Food and Energy Security Act of 2007, has been devoted to managed pasture.

''(B) BIOENERGY CROP TRANSITION ASSISTANCE PAYMENT.—The term 'bioenergy crop transition assistance payment' means an annual payment to a bioenergy crop producer who is participating in an approved bioenergy crop transition assistance program project under this subsection.

''(C) COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM.—The term 'comprehensive stewardship incentives program' means the program established under chapter 6 of subtitle D of title XII of the Food Security Act of 1985.

''(D) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a group of agricultural landowners and operators producing or proposing to produce eligible bioenergy crops together with the owner or operator of an existing or proposed biomass conversion facility that intends to use the bioenergy crops.

''(3) PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a competitive process under which the Secretary, acting through the Natural Resources Conservation Service, shall select projects of eligible applicants from geographically-diverse areas of the United States to participate in the bioenergy crop transition assistance program under this subsection.

''(B) APPLICATION ASSISTANCE.—

''(i) IN GENERAL.—An eligible applicant may apply for a project planning grant of up to $50,000 to assist in assembling a bioenergy crop transition assistance program application.

''(ii) MATCHING REQUIREMENT.—To receive a planning grant under clause (i), the eligible applicant shall provide 100 percent matching funding.

''(C) APPLICATION REQUIREMENTS.—An application submitted under the competitive process described in subparagraph (A) shall include—

''(i) the designation of a proposed bioenergy supply region at a distance economically practicable for transportation of the bioenergy crop to the biomass conversion facility;

''(ii) letters of intent from the agricultural landowners and operators applying for the project application, in the proposed supply region to produce a minimum specified number of acres of bioenergy crops;

''(iii) documentation from the eligible applicants that describes—

''(I) the variety of bioenergy crop the owners and operators have committed to producing; and

''(II) the variety of crop that the owners and operators would have grown if the owners and operators had not committee to producing the bioenergy crop; and

''(iv) a letter of intent from the owners or operators of the existing or proposed biomass conversion facility in the bioenergy supply region to use the bioenergy crops described in clause (iii)(I).

''(D) SELECTION CRITERIA.—In selecting projects from applications submitted under this subsection, the Secretary shall—

''(i) consider—

''(I) the likelihood that the project will become viable; and

''(II) the geographic diversity of the projects; and

''(ii) give priority to projects that—

''(I) involve ecologically appropriate proposed bioenergy crops;

''(II) have the highest estimated benefits to wildlife, air, soil, and water quality improvement;

''(III) include plans to grow polycultures of at least 2 species;

''(IV) include the participation of beginning farmers or ranchers or socially disadvantaged farmers or ranchers; or

''(V) include local ownership of the biomass conversion facility of the project.

''(4) CONTRACT REQUIREMENTS.—

''(A) IN GENERAL.—An agricultural producer described in an application for a project selected by the Secretary under paragraph (3) shall have the opportunity to enroll eligible cropland of the agricultural producer under a contract entered into with the Secretary, acting through the Natural Resources Conservation Service.

''(B) REQUIREMENTS.—Under a contract described in subparagraph (A), an agricultural producer shall be required—

''(i) to produce 1 or more perennial eligible bioenergy crops;

''(ii) to meet the stewardship threshold (as determined under the comprehensive stewardship incentives program) for water, wildlife, and soil quality by the end of the last year of the contract described in subparagraph (A);

''(iii) to cooperate with the Secretary in the process of gathering such information as the Secretary shall require for the purposes of the study under paragraph (6); and

''(iv) to restrict the harvesting of bioenergy crops until after the end of the brooding and nesting season, in accordance with regional regulations promulgated by the Secretary in consultation with—

''(I) State Conservationists of the Natural Resources Conservation Service;

''(II) the United States Fish and Wildlife Service; and

''(III) State wildlife agencies.

''(5) CONTRACT BENEFITS.—

''(A) IN GENERAL.—An agricultural producer that has entered into a contract described in paragraph (4) shall be eligible to receive, as determined by the Secretary—

''(i) a Federal cost share for the cost of establishing the bioenergy crop produced by the agricultural producer under the project in an amount that is equal to—

''(I) 50 percent of the total cost;

''(II) in the case of a beginning farmer or rancher or a socially disadvantaged farmer or ranchers, 75 percent of the total cost; or

''(III) in the case of eligible producers that establish a polyculture crop mix of at least 3 perennial species, 90 percent of the total cost; and

''(ii) an annual bioenergy crop transition incentive payment in an amount determined by the Secretary.

''(B) COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM PRIORITY.—During the project contract period, an agricultural producer that meets comprehensive stewardship incentives program eligibility requirements shall have a priority for enrollment in the stewardship section of that program, including enhanced payments for—

''(i) the maintenance and active management of a conservation system that incorporates 2 or more native perennial bioenergy crop species; and

''(ii) participation in a research and demonstration project.

''(C) USE OF CROP.—If the bioenergy crop cannot be sold to the biomass conversion facility designated in the project application, the agricultural producer may use the crop for other purposes that are in compliance with the contract requirements described in paragraph (4).

''(6) STUDY AND REPORT.—The Secretary shall carry out a study of the results of the projects funded under this section, including—

''(A) the production potential of a variety of bioenergy crops and crop mixes;

''(B) the effect of the harvesting of bioenergy crops on—

''(i) wildlife and stand establishment;

''(ii) carbon and nitrogen cycles; and

''(iii) erosion, sedimentation, soil compaction, and soil health;

''(C) the impacts on water quality and consumption;

''(D) the soil carbon content and lifecycle greenhouse gas emissions of different bioenergy crops and the uses of the crops; and

''(E) the economic effectiveness of the incentives under this section in encouraging agricultural producers to produce bioenergy crops.

''(b) FOREST BIOMASS PLANNING GRANTS.—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—

''(1) State forestry agencies, in consultation with State wildlife agencies; and

''(2) technical service provider arrangements with third parties.

''(c) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION OF RENEWABLE BIOMASS.—

''(1) IN GENERAL.—The Secretary shall establish a program to provide assistance to an agricultural producer, forest land owner, or timber harvester holding the right to collect or harvest renewable biomass, for collecting, harvesting, transporting, and storing renewable biomass that is sustainably harvested and collected to be used in the production of advanced biofuels, heat, or power from a biomass conversion facility.

''(2) PAYMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), an entity described in paragraph (1) shall receive payments under this subsection for each ton of renewable biomass delivered to a biomass conversion facility, based on a fixed rate to be established by the Secretary in accordance with subparagraph (B).

''(B) FIXED RATE.—The Secretary shall establish a fixed payment rate for purposes of subparagraph (A) to reflect—

''(i) the estimated cost of collecting, harvesting, storing, and transporting the applicable renewable biomass; and

''(ii) such other factors as the Secretary determines to be appropriate.

''(C) FOREST LAND OWNER ELIGIBILITY.—Owners of forest land shall be eligible to receive payments under this subsection only if the owners are acting pursuant to a forest stewardship plan.

''(d) FUNDING.—

''(1) BIOMASS CROP TRANSITION ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsections (a) and (b) $130,000,000 for fiscal year 2008, to remain available until expended, of which not more than 10 percent shall be used to carry out subsection (b).

''(2) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE AND TRANSPORT OF RENEWABLE BIOMASS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out subsection (c) $10,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

SA 3737. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 1 on page 872, strike through line 3 on page 879 and insert the following:

SUBTITLE C—BROADBAND DATA IMPROVEMENT

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Broadband Data Improvement Act''.

SEC. 6202. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 6203. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07-38 which shall, at a minimum—

(1) identify tiers of broadband service, among those used by the Commission in collecting Form 477 data, in which a substantial majority of the connections in such tier provide consumers with an information transfer rate capable of reliably transmitting full-motion, high definition video; and

(2) revise its Form 477 reporting requirements as necessary to enable the Commission to identify actual numbers of broadband connections subscribed to by residential and business customers, separately, either within a relevant census tract from the most recent decennial census, a 9-digit postal zip code, or a 5-digit postal zip code, as the Commission deems appropriate.

(b) EXCEPTION.—The Commission shall exempt an entity from the reporting requirements of subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(c) PROPRIETARY INFORMATION.—Nothing in this section shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this section be construed to compel the Commission to make publically available any proprietary information. Any information collected by the Commission pursuant to this section that reveals any competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by the Commission.

(d) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking ''regularly'' in subsection (b) and inserting ''annually'';

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

''(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected through Form 477 reporting requirements.

''(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

''(1) the population;

''(2) the population density; and

''(3) the average per capita income.''.

(e) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

SEC. 6204. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 6205. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6206. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed; and

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, including information transfer rates identified under section 6203(a)(2) of this subtitle, to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, including the availability of broadband service connections meeting information transfer rates identified by the Commission under section 6203(a)(2) of this subtitle, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this subtitle and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology;

(D) that has a board of directors a majority of which is not composed of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency; and

(E) that has a board of directors which does not include any member that is employed either by a broadband service provider or by any other company in which a broadband service provider owns a controlling or attributable interest.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(k) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this subtitle any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

SA 3738. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, add the following:

SEC. 7_____. VITICULTURE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the ways in which the projected changes in climate conditions, including projected increase in global temperature, during the 25-year period beginning on the date of enactment of this Act will—

(A) change the vineyard suitability of the 10 largest wine-producing States with respect to vineyard location and varieties of grape grown; and

(B) cause vineyard grape growers to change vineyard management practices.

(2) SURVEY.—The study under paragraph (1) shall include a survey of the state of plant breeding science that could allow cultivars or rootstocks to better adapt to warmer environments and soil conditions expected as a result of the projected change in climate conditions described in paragraph (1).

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study under subsection (a), including recommendations of the Secretary, if any, regarding whether increased granular modeling of the climate of grape-growing regions should be required to mitigate the impacts of the projected changes in climate conditions, including projected increase in global temperature, on viticulture in the United States.

SA 3739. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 20 and all that follows through page 213, line 5, and insert the following:

''(1) CROP YEARS.—

''(A) 2009 CROP YEAR.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during the 2009 crop year if the average adjusted gross income of the individual or entity exceeds $1,000,000, 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.

''(B) 2010 AND SUBSEQUENT CROP YEARS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2010 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $750,000, 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) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) Title XII of this Act.

''(B) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(D) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(E) Title II of the Food and Energy Security Act of 2007.

''(F) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223).

SA 3740. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, strike lines 4 through 14, and insert the following:

Act, may not exceed $40,000 (as adjusted under paragraph (3) in the case of corn).

''(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under part I of subtitle A of title I of the Food and Energy Security Act of 2007 for one or more covered commodities (except for peanuts), or average crop revenue payments determined under section 1401(b)(3) of that Act, may not exceed $60,000 (as adjusted under paragraph (3) in the case of corn).

''(3) SPECIAL RULE FOR CORN.—

''(A) IN GENERAL.—For each crop year, the Secretary shall calculate a per bushel ethanol benefit for corn resulting from Federal incentives for ethanol.

''(B) REDUCTION IN PAYMENTS.—

''(i) REDUCTION OF DIRECT PAYMENT.—The maximum amount of direct payments that a person or legal entity is entitled to receive for a crop year for corn under paragraph (1), or average crop revenue payments determined under section 1401(b)(2) of the Food and Energy Security Act of 2007, shall be reduced by an amount equal to the product obtained by multiplying—

''(I) the amount of the ethanol benefit calculated under subparagraph (A); by

''(II) the actual quantity of corn produced by the individual or entity during the preceding crop year.

''(ii) REDUCTION OF COUNTER-CYCLICAL PAYMENTS.—If the amount calculated under subclauses (I) and (II) of clause (i) for a person or legal entity exceeds the amount of direct payments the person or legal entity would otherwise be entitled to receive under paragraph (1) for corn, the maximum amount of counter-cyclical payments for corn that the person or legal entity is entitled to receive under paragraph (2), or average crop revenue payments determined under section 1401(b)(3) of the Food and Energy Security Act of 2007, shall be reduced by the excess amount.

SA 3741. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1486, line17, strike all through page 1487, line 7, and insert the following:

''(3) REDUCED AMOUNT AFTER SALE OF 5,000,000,000 GALLONS.—

''(A) IN GENERAL.—In the case of any calendar year beginning after the date described in subparagraph (B), the last row in the table in paragraph (2) shall be applied by substituting '46 cents' for '51 cents'.

''(B) DATE DESCRIBED.—The date described in this subparagraph is the first date on which 5,000,000,000 gallons of ethanol (including cellulosic ethanol) have been produced in or imported into the United States after the date of the enactment of this paragraph, as certified by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.''.

SA 3742. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. ____. ENERGY SAVINGS CERTIFICATION REQUIREMENT WITH RESPECT TO CREDIT FOR ETHANOL FUELS.

(a) INCOME TAX CREDIT.—Paragraph (2) of section 40(h) (relating to reduced credit amount for ethanol blenders) is amended—

(1) by striking ''For purposes of paragraph (1), the blender amount'' and inserting ''For purposes of paragraph (1)—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the blender amount'', and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE WITH RESPECT TO UNCERTIFIED ETHANOL.—

''(i) IN GENERAL.—In the case of any alcohol or alcohol fuel mixture which contains ethanol that does not meet the requirements of clause (ii), the blender amount and the low-proof blender amount shall be zero.

''(ii) CERTIFICATION OF NET ENERGY SAVINGS FOR ETHANOL.—Ethanol meets the requirements of this paragraph if such ethanol has been produced at a facility at which the process for the production of ethanol is certified by the Environmental Protection Agency as resulting in a net energy savings.''.

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is—

''(A) 60 cents in the case of an alcohol fuel mixture in which none of the alcohol is ethanol, and

''(B) in the case of an alcohol fuel mixture which contains ethanol—

''(i) 51 cents if all ethanol used in the alcohol fuel mixture meets the requirement of paragraph (5), and

''(ii) zero in any other case.''.

(2) CERTIFICATION.—Subsection (b) of section 6426 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) CERTIFICATION OF NET ENERGY SAVINGS FOR ETHANOL.—Ethanol meets the requirements of this paragraph if such ethanol has been produced at a facility at which the process for the production of ethanol is certified by the Environmental Protection Agency as resulting in a net energy savings.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or use after the date of the enactment of this Act.

SA 3743. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, between lines 2 and 3, insert the following:

SEC. 750__. ANIMAL BIOSCIENCE FACILITY, BOZEMAN, MONTANA.

There is authorized to be appropriated to the Secretary for the period of fiscal years 2008 through 2012 $16,000,000, to remain available until expended, for the construction in Bozeman, Montana, of an animal bioscience facility within the Agricultural Research Service.

SA 3744. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 692, between lines 17 and 18, insert the following:

SEC. 49___. EFFECT OF PARTICIPATION IN FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(6)) is amended by adding at the end the following:

''(G) EFFECT OF PARTICIPATION.—The Secretary shall not restrict any State that participates in the program under this subsection to a per recipient cap for the amount of Federal food benefits allocated for recipients under the program.''.

SA 3745. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 664, strike line 23 and all that follows through page 665, line 5, and insert the following:

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following:

''(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

''(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

''(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

''(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

''(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

''(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

''(i) be planted, cared for, and harvested by students at the eligible schools; and

''(ii) teach the students participating in the community gardens about agriculture, sound farming practices, and diet.

''(C) PRIORITY STATES.—Of the States provided a grant under this paragraph—

''(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

''(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

''(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

''(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

''(i) used to supplement food provided at the eligible school;

''(ii) distributed to students to bring home to the families of the students; or

''(iii) donated to a local food bank or senior center nutrition program.

''(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

''(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).

''(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000.''; and

(4) in paragraph (4) (as redesignated by paragraph (2)), by inserting ''(other than paragraph (3))'' after ''this subsection''.

SA 3746. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REPORT RELATING TO THE ENDING OF CHILDHOOD HUNGER IN THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the United States has the highest rate of childhood poverty in the industrialized world, with over ⅕ of all children of the United States living in poverty, and almost half of those children living in extreme poverty;

(2) childhood poverty in the United States is growing rather than diminishing;

(3) households with children experience hunger at more than double the rate as compared to households without children;

(4) hunger is a major problem in the United States, with the Department of Agriculture reporting that 12 percent of the citizens of the United States (approximately 35,000,000 citizens) could not put food on the table of those citizens at some point during 2006;

(5) of the 35,000,000 citizens of the United States that have very low food security—

(A) 98 percent of those citizens worried that money would run out before those citizens acquired more money to buy more food;

(B) 96 percent of those citizens had to cut the size of the meals of those citizens or even go without meals because those citizens did not have enough money to purchase appropriate quantities of food; and

(C) 94 percent of those citizens could not afford to eat balanced meals;

(6) the phrase ''people with very low food security'', a new phrase in our national lexicon, in simple terms means ''people who are hungry'';

(7) 30 percent of black and Hispanic children, and 40 percent of low income children, live in households that do not have access to nutritionally adequate diets that are necessary for an active and healthy life;

(8) the increasing lack of access of the citizens of the United States to nutritionally adequate diets is a significant factor from which the Director of the Centers for Disease Control and Prevention concluded that ''during the past 20 years there has been a dramatic increase in obesity in the United States'';

(9) during the last 3 decades, childhood obesity has—

(A) more than doubled for preschool children and adolescents; and

(B) more than tripled for children between the ages of 6 and 11 years;

(10) as of the date of enactment of this Act, approximately 9,000,000 children who are 6 years old or older are considered obese;

(11) scientists have demonstrated that there is an inverse relation between obesity and doing well in school; and

(12) a study published in Pediatrics found that ''6- to 11-year-old food-insufficient children had significantly lower arithmetic scores and were more likely to have repeated a grade, have seen a psychologist, and have had difficulty getting along with other children''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a national disgrace that many millions of citizens of the United States, a disproportionate number of whom are children, are going hungry in this great nation, which is the wealthiest country in the history of the world;

(2) because the strong commitment of the United States to family values is deeply undermined when families and children go hungry, the United States has a moral obligation to abolish hunger; and

(3) through a variety of initiatives (including large funding increases in nutrition programs of the Federal Government), the United States should abolish child hunger and food insufficiency in the United States by the 2013.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the relevant committees of Congress a report that describes the best and most cost-effected manner by which the Federal Government could allocate an increased amount of funds to new programs and programs in existence as of the date of enactment of this Act to achieve the goal of abolishing child hunger and food insufficiency in the United States by 2013.

SA 3747. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

''(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

''(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

''(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

''(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

''(i) part I of subtitle A,

''(ii) part III (other than sections 1307 and 1308) of subtitle A, or

''(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

''(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

''(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SA 3748. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

SA 3749. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1473, strike line 3 and all that follows through page 1480, line 3, and insert the following:

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the small cellulosic alcohol producer credit.''.

(b) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

''(i) $1.28, over

''(ii) the sum of—

''(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

''(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) LIMITATION.—

''(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

''(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(E) CELLULOSIC BIOMASS ALCOHOL.—

''(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

''(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before April 1, 2015.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(G)'' after ''by reason of paragraph (1)'' in paragraph (2), and

(B) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) ALCOHOL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SMALL CELLULOSIC ALCOHOL PRODUCERS.—No small cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SA 3750. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1473, strike line 3 and all that follows through page 1480, line 3, and insert the following:

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the small cellulosic alcohol producer credit.''.

(b) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

''(i) $1.28, over

''(ii) the sum of—

''(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

''(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) LIMITATION.—

''(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

''(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(E) CELLULOSIC BIOMASS ALCOHOL.—

''(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

''(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before April 1, 2015.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(G)'' after ''by reason of paragraph (1)'' in paragraph (2), and

(B) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) ALCOHOL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SMALL CELLULOSIC ALCOHOL PRODUCERS.—No small cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

On page 1482, line 20, strike '', as amended by this Act,''.

On page 1482, line 22, strike ''(j)'' and insert ''(i)''.

On page 1485, line 16, strike ''section 312 of''.

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

''(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

''(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

''(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

''(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

''(i) part I of subtitle A,

''(ii) part III (other than sections 1307 and 1308) of subtitle A, or

''(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

''(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

''(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SA 3751. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, between lines 4 and 5, insert the following:

SEC. 64____. RIO GRANDE BASIN MANAGEMENT PROJECT.

The Food Security Act of 1985 is amended by inserting after section 1240K (as added by section 2361) the following:

''SEC. 1240L. RIO GRANDE BASIN MANAGEMENT PROJECT.

''(a) DEFINITION OF RIO GRANDE BASIN.—In this section, the term 'Rio Grande Basin' includes all tributaries, backwaters, and side channels (including watersheds) of the United States that drain into the Rio Grande River.

''(b) ESTABLISHMENT.—The Secretary, in conjunction with partnerships of institutions

of higher education working with farmers, ranchers, and other rural landowners, shall establish a program under which the Secretary shall provide grants to the partnerships to benefit the Rio Grande Basin by—

''(1) restoring water flow and the riparian habitat;

''(2) improving usage;

''(3) addressing demand for drinking water;

''(4) providing technical assistance to agricultural and municipal water systems; and

''(5) researching alternative treatment systems for water and waste water.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—A grant provided under this section may be used by a partnership for the costs of carrying out an activity described in subsection (b), including the costs of—

''(A) direct labor;

''(B) appropriate travel;

''(C) equipment;

''(D) instrumentation;

''(E) analytical laboratory work;

''(F) subcontracting;

''(G) cooperative research agreements; and

''(H) similar related expenses and costs.

''(2) LIMITATION.—A grant provided under this section shall not be used to purchase or construct any building.

''(d) REPORTS.—A partnership that receives a grant under this subsection shall submit to the Secretary annual reports describing—

''(1) the expenses of the partnership during the preceding calendar year; and

''(2) such other financial information as the Secretary may require.

''(e) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.''.

SA 3752. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, between lines 7 and 8, insert the following:

SEC. 7003. USE OF FEDERAL FUNDS MADE AVAILABLE FOR COOPERATIVE CENTERS.

Section 1409A(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124a(b)) is amended—

(1) by striking ''(b) In order to promote'' and inserting the following:

''(b) COOPERATIVE HUMAN NUTRITION CENTERS.—

''(1) IN GENERAL.—To promote''; and

(2) by adding at the end the following:

''(2) PROHIBITION RELATING TO REDUCTION OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall not, with respect to any cooperative children's human nutrition center located in Houston, Texas, or Little Rock, Arkansas—

''(A) reduce the amount of Federal funds made available by any Act through rescission, reprogramming, or project termination; or

''(B) withhold an amount greater than 5 percent of the amount of Federal funds made available by any Act for direct, indirect, or administrative costs.''.

SA 3753. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike lines 4 through 8.

On page 36, strike lines 14 through 21.

On page 110, strike lines 18 through 23.

Beginning on page 266, strike line 11 and all that follows through page 267, line 7.

Beginning on page 275, strike line 15 and all that follows through page 276, line 2.

SA 3754. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. DURBIN, Mr. SCHUMER, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 268, strike line 8 and all that follows through page 293, line 2, and insert the following:

SEC. 1908. PREMIUM REDUCTION PLAN.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

''(6) DISCOUNT STUDY.—

''(A) IN GENERAL.—The Secretary shall commission an entity independent of the crop insurance industry (with expertise that includes traditional crop insurance) to study the feasibility of permitting approved insurance providers to provide discounts to producers purchasing crop insurance coverage without undermining the viability of the Federal crop insurance program.

''(B) COMPONENTS.—The study should include—

''(i) an evaluation of the operation of a premium reduction plan that examines—

''(I) the clarity, efficiency, and effectiveness of the statutory language and related regulations;

''(II) whether the regulations frustrated the goal of offering producers upfront, predictable, and reliable premium discount payments; and

''(III) whether the regulations provided for reasonable, cost-effective oversight by the Corporation of premium discounts offered by approved insurance providers, including—

''(aa) whether the savings were generated from verifiable cost efficiencies adequate to offset the cost of discounts paid; and

''(bb) whether appropriate control was exercised to prevent approved insurance providers from preferentially offering the discount to producers of certain agricultural commodities, in certain regions, or in specific size categories;

''(ii) examination of the impact on producers, the crop insurance industry, and profitability from offering discounted crop insurance to producers;

''(iii) examination of implications for industry concentration from offering discounted crop insurance to producers;

''(iv) an examination of the desirability and feasibility of allowing other forms of price competition in the Federal crop insurance program;

''(v) a review of the history of commissions paid by crop insurance providers; and

''(vi) recommendations on—

''(I) potential changes to this title that would address the deficiencies in past efforts to provide discounted crop insurance to producers,

''(II) whether approved insurance providers should be allowed to draw on both administrative and operating reimbursement and underwriting gains to provide discounted crop insurance to producers; and

''(III) any other action that could increase competition in the crop insurance industry that will benefit producers but not undermine the viability of the Federal crop insurance program.

''(C) REQUEST FOR PROPOSALS.—In developing the request for proposals for the study, the Secretary shall consult with parties in the crop insurance industry (including producers and approved insurance providers and agents, including providers and agents with experience selling discount crop insurance products).

''(D) REVIEW OF STUDY.—The independent entity selected by Secretary under subparagraph (A) shall seek comments from interested stakeholders before finalizing the report of the entity.

''(E) REPORT.—Not later than 18 months after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results and recommendations of the study.''.

SEC. 1909. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting ''on behalf of the Corporation'' after ''approved provider''.

SEC. 1910. MEASUREMENT OF FARM-STORED COMMODITIES.

Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

''(5) MEASUREMENT OF FARM-STORED COMMODITIES.—Beginning with the 2009 crop year, for the purpose of determining the amount of any insured production loss sustained by a producer and the amount of any indemnity to be paid under a plan of insurance—

''(A) a producer may elect, at the expense of the producer, to have the Farm Service Agency measure the quantity of the commodity; and

''(B) the results of the measurement shall be used as the evidence of the quantity of the commodity that was produced.''.

SEC. 1911. SHARE OF RISK.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (3) and inserting the following:

''(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require 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 30 percent.''.

SEC. 1912. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking ''Except as provided in subparagraph (B)'' and inserting ''Except as otherwise provided in this paragraph''; and

(2) by adding at the end the following:

''(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 5 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio .

''(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.''.

SEC. 1913. 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:

''(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

''(A) IN GENERAL.—Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105-185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

''(i) following the reinsurance year ending June 30, 2010;

''(ii) once during each period of 3 reinsurance years thereafter; and

''(iii) subject to subparagraph (B), in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

''(B) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.''.

SEC. 1914. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 1912) is amended by adding at the end the following:

''(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

''(A) for the 2011 reinsurance year, October 1, 2012; and

''(B) for each reinsurance year thereafter, October 1 of the following calendar year.''.

SEC. 1915. ACCESS TO DATA MINING INFORMATION.

(a) IN GENERAL.—Section 515(j)(2) of the Federal Crop Insurance Act (7 U.S.C. 1515(j)(2)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(B) ACCESS TO DATA MINING INFORMATION.—

''(i) IN GENERAL.—The Secretary shall establish a fee-for-access program under which approved insurance providers pay to the Secretary a user fee in exchange for access to the data mining system established under subparagraph (A) for the purpose of assisting in fraud and abuse detection.

''(ii) PROHIBITION.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Corporation shall not impose a requirement on approved insurance providers to access the data mining system established under subparagraph (A).

''(II) ACCESS WITHOUT FEE.—If the Corporation requires approved insurance providers to access the data mining system established under subparagraph (A), access will be provided without charge to the extent necessary to fulfill the requirements.

''(iii) ACCESS LIMITATION.—In establishing the program under clause (i), the Secretary shall ensure that an approved insurance provider has access only to information relating to the policies or plans of insurance for which the approved insurance provider provides insurance coverage, including any information relating to—

''(I) information of agents and adjusters relating to policies for which the approved insurance provider provides coverage;

''(II) the other policies or plans of an insured that are insured through another approved insurance providers; and

''(III) the policies or plans of an insured for prior crop insurance years.''.

(b) INSURANCE FUND.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (b), by adding at the end the following:

''(3) DATA MINING SYSTEM.—The Corporation shall use amounts deposited in the insurance fund established under subsection (c) from fees collected under section 515(j)(2)(B) to administer and carry out improvements to the data mining system under that section.''; and

(2) in subsection (c)(1)—

(A) by striking ''and civil'' and inserting ''civil''; and

(B) by inserting ''and fees collected under section 515(j)(2)(B)(i),'' after ''section 515(h),''.

SEC. 1916. PRODUCER ELIGIBILITY.

Section 520(2) of the Federal Crop Insurance Act (7 U.S.C. 1520(2)) is amended by inserting ''or is a person who raises livestock owned by other persons (that is not covered by insurance under this title by another person)'' after ''sharecropper''.

SEC. 1917. CONTRACTS FOR ADDITIONAL CROP POLICIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (14); and

(2) by inserting after paragraph (9) the following:

''(10) ENERGY CROP INSURANCE POLICY.—

''(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

''(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or bio-based products; and

''(ii) is not typically used for food, feed, or fiber.

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

''(iii) provide protection for production or revenue losses, or both.

''(11) AQUACULTURE INSURANCE POLICY.—

''(A) DEFINITION OF AQUACULTURE.—In this subsection:

''(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

''(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure aquaculture operations.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of fish and other seafood in aquaculture operations, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of aquaculture operations into existing policies covering adjusted gross revenue; and

''(iii) provide protection for production or revenue losses, or both.

''(12) ORGANIC CROP PRODUCTION COVERAGE IMPROVEMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Corporation shall offer to enter into 1 or more contracts with qualified entities for the development of improvements in Federal crop insurance policies covering organic crops.

''(B) PRICE ELECTION.—

''(i) IN GENERAL.—The contracts under subparagraph (A) shall include the development of procedures (including any associated changes in policy terms or materials required for implementation of the procedures) to offer producers of organic crops a price election that would reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as established using data collected and maintained by the Agricultural Marketing Service.

''(ii) DEADLINE.—The development of the procedures required under clause (i) shall be completed not later than the date necessary to allow the Corporation to offer the price election—

''(I) beginning in the 2009 reinsurance year for organic crops with adequate data available; and

''(II) subsequently for additional organic crops as data collection for those organic crops is sufficient, as determined by the Corporation.

''(13) SKIPROW CROPPING PRACTICES.—

''(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

''(B) RESEARCH.—Research described in subparagraph (A) shall—

''(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

''(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

''(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

''(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.''.

SEC. 1918. RESEARCH AND DEVELOPMENT.

(a) REIMBURSEMENT AUTHORIZED.—Section 522(b) of the Federal Crop Insurance Act (7

U.S.C. 1522(b)) is amended by striking paragraph (1) and inserting the following:

''(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, and approved by, the Board pursuant to a FCIC reimbursement grant under paragraph (7); or

''(B) is—

''(i) submitted to the Board and approved by the Board under section 508(h) for reinsurance; and

''(ii) 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:

''(7) FCIC REIMBURSEMENT GRANTS.—

''(A) GRANTS AUTHORIZED.—The Corporation shall provide FCIC reimbursement grants to persons (referred to in this paragraph as 'submitters') proposing to prepare for submission to the Board crop insurance policies and provisions under subparagraphs (A) and (B) of section 508(h)(1), that apply and are approved for the FCIC reimbursement grants under this paragraph.

''(B) SUBMISSION OF APPLICATION.—

''(i) IN GENERAL.—The Board shall receive and consider applications for FCIC reimbursement grants at least once each year.

''(ii) REQUIREMENTS.—An application to receive a 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 the proposal satisfies the requirements of subparagraph (C); and

''(II) a description of —

''(aa) the need for the product, including an assessment of marketability and expected demand among affected producers;

''(bb) support from producers, producer organizations, lenders, or other interested parties; and

''(cc) the impact the product would have on producers and on the crop insurance delivery system; and

''(III) a statement that no products are offered by the private sector that provide the same benefits and risk management services as the proposal;

''(IV) a summary of data sources available that demonstrate that the product can reasonably be developed and properly rated; and

''(V) an identification of the risks the proposed product will cover and an explanation of how the identified risks are insurable under this title.

''(C) APPROVAL CONDITIONS.—

''(i) IN GENERAL.—A majority vote of the Board shall be required to approve an application for a FCIC reimbursement grant.

''(ii) REQUIRED FINDINGS.—The Board shall approve the application if the Board finds that—

''(I) the proposal contained in the application—

''(aa) provides coverage to a crop or region not traditionally served by the Federal crop insurance program;

''(bb) provides crop insurance coverage in a significantly improved form;

''(cc) addresses a recognized flaw or problem in the Federal crop insurance program or an existing product;

''(dd) introduces a significant new concept or innovation to the Federal crop insurance program; or

''(ee) provides coverage or benefits not available from the private sector;

''(II) the submitter 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 and function as intended;

''(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.—

''(i) IN GENERAL.—In reviewing proposals under this paragraph, the Board may use the services of persons that the Board determines appropriate to carry out expert review in accordance with section 508(h).

''(ii) CONFIDENTIALITY.—All proposals submitted under this paragraph shall be treated as confidential in accordance with section 508(h)(4).

''(E) ENTERING INTO AGREEMENT.—Upon approval of an application, the Board shall offer to enter into an agreement with the submitter for the development of a formal submission that meets the requirements for a complete submission established by the Board under section 508(h).

''(F) FEASIBILITY STUDIES.—

''(i) IN GENERAL.—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 the study to the Corporation, prior to proceeding with further development.

''(ii) MONITORING.—The Corporation may require such other reports as the Corporation determines necessary to monitor the development efforts.

''(G) RATES.—Payment for work performed by the submitter under this paragraph shall be based on rates determined by the Corporation for products—

''(i) submitted under section 508(h); or

''(ii) contracted by the Corporation under subsection (c).

''(H) TERMINATION.—

''(i) IN GENERAL.—The Corporation or the submitter may terminate any FCIC reimbursement grant at any time for just cause.

''(ii) REIMBURSEMENT.—If the Corporation or the submitter terminates the FCIC reimbursement grant before final approval of the product covered by the grant, the submitter shall be entitled to—

''(I) reimbursement of all eligible costs incurred to that point; or

''(II) in the case of a fixed rate agreement, payment of an appropriate percentage, as determined by the Corporation.

''(iii) DENIAL.—If the submitter terminates development without just cause, the Corporation may deny reimbursement or recover any reimbursement already made.

''(I) CONSIDERATION OF PRODUCTS.—The Board shall consider any product developed under this paragraph and submitted to the Board under the rules the Board has established for products submitted under section 508(h).''.

(c) CONFORMING AMENDMENT.—Section 523(b)(10) of the Federal Crop Insurance Act (7 U.S.C. 1523(b)(10)) is amended by striking ''(other than research and development costs covered by section 522)''.

SEC. 1919. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking ''$10,000,000'' and all that follows through the end of the paragraph and inserting ''$7,500,000 for fiscal year 2008 and each subsequent fiscal year''; and

(2) by striking paragraph (2) and inserting the following:

''(2) CONTRACTING, DATA MINING, AND COMPREHENSIVE INFORMATION MANAGEMENT SYSTEM.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use not more than $12,500,000 for fiscal year 2008 and each subsequent fiscal year to carry out, in addition to other available funds—

''(A) contracting and partnerships under subsections (c) and (d);

''(B) data mining and data warehousing under section 515(j)(2);

''(C) the comprehensive information management system under section 10706 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8002);

''(D) compliance activities, including costs for additional personnel; and

''(E) development, modernization, and enhancement of the information technology systems used to manage and deliver the crop insurance program.''.

SEC. 1920. INCREASED FUNDING FOR CERTAIN PROGRAMS.

In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the farmland 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.) (commonly known as the ''Farm and Ranch Lands Protection Program''), an additional $10,000,000 for each of fiscal years 2008 through 2012;

(2) 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.), an additional $50,000,000 for the period of fiscal years 2008 through 2012;

(3) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), an additional $30,000,000 for each of fiscal years 2008 through 2012;

(4) the McGovern-Dole International Food for Education and Child Nutrition Program established under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), an additional $100,000,000 for each of fiscal years 2009 and 2010; and

(5) the improvements to the food and nutrition program made by section 4109 (and the amendments made by that sections) without regard to section 4908(b)(7).

SEC. 1921. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

(a) IN GENERAL.—Section 5(e)(1) of the Food and Nutrition Act of 2007 (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 end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2008, $141, $241, $199, and $124, respectively;

''(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

''(III) for fiscal year 2013, $134, $229, $189, and $118, respectively; and

''(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics

of the Department of Labor, for items other than food.'';

(2) in subparagraph (B)(ii), by striking ''not less than $269.'' and inserting the following: ''not less than—

''(I) for fiscal year 2008, $283;

''(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

''(III) for fiscal year 2013, $269; and

''(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.''; and

(3) by adding at the end the following:

''(C) REQUIREMENT.—Each adjustment under subclauses (II) and (IV) of subparagraph (A)(ii) and subclauses (II) and (IV) of subparagraph (B)(ii) shall be based on the unrounded amount for the prior 12-month period.''.

(b) EFFECT OF OTHER PROVISION.—The amendments made by section 4102 shall have no force or effect.

SA 3755. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 385, lines 16 and 17, strike ''13,273,000 acres for each fiscal year, but not to exceed 79,638,000 acres'' and insert ''11,945,700 acres for each fiscal year, but not to exceed 71,674,200 acres''.

On page 403, line 21, strike ''$60,000,000'' and insert ''$82,600,000''.

On page 445, line 20, strike ''$97,000,000'' and insert ''$120,000,000''.

On page 445, line 24, strike ''$240,000,000'' and insert ''$500,000,000''.

On page 446, strike lines 4 through 7 and insert the following:

''(A) $1,370,000,000 for each of fiscal years 2008 and 2009; and

''(B) $1,400,000,000 for each of fiscal years 2010 through 2012.

SA 3756. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 499, strike line 15 and all that follows through page 501, line 2, and insert the following:

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

''(o) CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

''(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(B) that has never been used for production of an agricultural commodity.

''(2) INELIGIBILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), native sod acreage on which an agricultural commodity is planted for which a policy or plan of insurance is available under this title shall be ineligible for benefits under this Act.

''(B) DE MINIMUS ACREAGE.—

''(i) EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

''(ii) WAIVER.—The Secretary may provide a waiver from the application of subparagraph (A) for areas of 15 acres or less on a case-by-case basis.''.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

''(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

''(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(ii) that has never been used for production of an agricultural commodity.

''(B) INELIGIBILITY.—Except as provided in subparagraph (C), native sod acreage on which an agricultural commodity is planted for which a policy or plan of Federal crop insurance is available shall be ineligible for benefits under this section.

''(C) DE MINIMUS ACREAGE.—

''(i) EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (B).

''(ii) WAIVER.—The Secretary may provide a waiver from the application of subparagraph (B) for areas of 15 acres or less on a case-by-case basis.''.

SA 3757. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. POULTRY SUSTAINABILITY RESEARCH PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' includes any institution of higher education, farmer or other agricultural producer, municipality, and private nonprofit organization that—

(A) expresses to the Secretary an interest in the long-term environmental and economic sustainability of the agricultural industry; and

(B) is located in—

(i) the State of Arkansas;

(ii) the State of Oklahoma; and

(iii) the State of Texas.

(2) PROGRAM.—The term ''program'' means the poultry sustainability research program established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a poultry sustainability research program.

(2) REQUIRED ACTIVITIES.—In carrying out the program, the Secretary shall—

(A) identify challenges and develop solutions to enhance the economic and environmental sustainability of the poultry industry in the Southwest region of the United States;

(B) research, develop, and implement programs—

(i) to recover energy and other useful products from poultry waste;

(ii) to identify new technologies for the storage, treatment, use, and disposal of animal waste; and

(iii) to assist the poultry industry in ensuring that emissions of animal waste (within the meaning of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))) and discharges (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)) of the industry are maintained at levels at or below applicable regulatory standards;

(C) provide technical assistance, training, applied research, and monitoring to eligible applicants;

(D) develop environmentally effective programs in the poultry industry; and

(E) collaborate with eligible applicants to work with the Federal Government (including Federal agencies) in the development of conservation, environmental credit trading, and watershed programs to help private landowners and agricultural producers meet applicable water quality standards.

(c) CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall offer to enter into contracts with eligible applicants.

(2) APPLICATION.—

(A) SUBMISSION OF APPLICATION.—To enter into a contract with the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) GUIDELINES.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate a regulation describing the application requirements, including milestones and goals to be achieved by each eligible applicant.

(d) REPORTS.—Not later than 2 years after the date of enactment of this Act, and for each fiscal year thereafter, the Secretary shall submit to Congress a report describing—

(1) each project for which funds are provided under this section; and

(2) any advance in technology resulting from the implementation of this section.

(e) 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, to remain available until expended.

SA 3758. Mr. SMITH (for himself, Mr. BARRASSO, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. FEDERAL AND STATE COOPERATIVE FOREST, RANGELAND, AND WATERSHED RESTORATION AND PROTECTION.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) STATE FORESTER.—The term ''State forester'' means the head of a State agency with jurisdiction over State forest land in an eligible State.

(b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration and protection services described in paragraph (2) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State if similar and complementary restoration and protection services are being provided by the State forester on adjacent State or private land.

(2) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) STATE AS AGENT.—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as the agent for the Secretary in providing the restoration and protection services authorized under paragraph (1).

(4) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) APPLICABLE LAW.—The restoration and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

(c) TERMINATION OF EFFECTIVENESS.—

(1) IN GENERAL.—The authority of the Secretary to enter into cooperative agreements and contracts under this section terminates on September 30, 2012.

(2) CONTRACT DATE.—The termination date of a cooperative agreement or contract entered into under this section shall not extend beyond September 30, 2013.

SA 3759. Ms. SNOWE (for herself, Mr. SCHUMER, Mrs. CLINTON, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Northern Border Economic Development Commission

SEC. 11081. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the Northern Border Economic Development Commission established by section 11082.

(2) FEDERAL GRANT PROGRAM.—The term ''Federal grant program'' means a Federal grant program to provide assistance in carrying out economic and community development activities and conservation activities that are consistent with economic development.

(3) NON-PROFIT ENTITY.—The term ''non-profit entity'' means any entity with tax-exempt or non-profit status, as defined by the Internal Revenue Service.

(4) REGION.—The term ''region'' means the area covered by the Commission (as described in section 11094).

SEC. 11082. NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Border Economic Development Commission.

(2) COMPOSITION.—The Commission shall be composed of—

(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

(B) the Governor of each State in the region that elects to participate in the Commission.

(3) COCHAIRPERSONS.—The Commission shall be headed by—

(A) the Federal member, who shall serve—

(i) as the Federal cochairperson; and

(ii) as a liaison between the Federal Government and the Commission; and

(B) a State cochairperson, who—

(i) shall be a Governor of a participating State in the region; and

(ii) shall be elected by the State members for a term of not less than 1 year.

(b) ALTERNATE MEMBERS.—

(1) STATE ALTERNATES.—

(A) APPOINTMENT.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the Governor's cabinet or personal staff.

(B) VOTING.—An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

(3) QUORUM.—

(A) IN GENERAL.—Subject to the requirements of this paragraph, the Commission shall determine what constitutes a quorum of the Commission.

(B) FEDERAL COCHAIRPERSON.—The Federal cochairperson or the Federal cochairperson's designee must be present for the establishment of a quorum of the Commission.

(C) STATE ALTERNATES.—A State alternate shall not be counted toward the establishment of a quorum of the Commission.

(4) DELEGATION OF POWER.—No power or responsibility of the Commission specified in paragraphs (3) and (4) of subsection (c), and no voting right of any Commission member, shall be delegated to any person—

(A) who is not a Commission member; or

(B) who is not entitled to vote in Commission meetings.

(c) DECISIONS.—

(1) REQUIREMENTS FOR APPROVAL.—Except as provided in subsection (g), decisions by the Commission shall require the affirmative vote of the Federal cochairperson and of a majority of the State members, exclusive of members representing States delinquent under subsection (g)(2)(C).

(2) CONSULTATION.—In matters coming before the Commission, the Federal cochairperson, to the extent practicable, shall consult with the Federal departments and agencies having an interest in the subject matter.

(3) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—The following decisions may not be made without a quorum of State members:

(A) A decision involving Commission policy.

(B) Approval of State, regional, or subregional development plans or strategy statements.

(C) Modification or revision of the Commission's code.

(D) Allocation of amounts among the States.

(4) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 11088.

(d) DUTIES.—The Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

(2) not later than 365 days after the date of enactment of this Act, establish priorities in a development plan for the region (including 5-year regional outcome targets);

(3) assess the needs and capital assets of the region based on available research, demonstration projects, assessments, and evaluations of the region prepared by Federal, State, or local agencies, local development districts, and any other relevant source;

(4)(A) enhance the capacity of, and provide support for, local development districts in the region; or

(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

(5) actively solicit the participation of representatives of local development districts, industry groups, and other appropriate organizations as approved by the Commission, in all public proceedings of the Commission conducted under subsection (e)(1), either in-person or through interactive telecommunications; and

(6) encourage private investment in industrial, commercial, and other economic development projects in the region.

(e) ADMINISTRATION.—In carrying out subsection (d), the Commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

(2) authorize, through the Federal or State cochairperson or any other member of the Commission designated by the Commission,

the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

(3) request from any Federal, State, or local department or agency such information as may be available to or procurable by the department or agency that may be of use to the Commission in carrying out duties of the Commission;

(4) adopt, amend, and repeal bylaws and rules governing the conduct of Commission business and the performance of Commission duties;

(5) request the head of any Federal department or agency to detail to the Commission such personnel as the Commission requires to carry out duties of the Commission, each such detail to be without loss of seniority, pay, or other employee status;

(6) request the head of any State department or agency or local government to detail to the Commission such personnel as the Commission requires to carry out duties of the Commission, each such detail to be without loss of seniority, pay, or other employee status;

(7) provide for coverage of Commission employees in a suitable retirement and employee benefit system by—

(A) making arrangements or entering into contracts with any participating State government; or

(B) otherwise providing retirement and other employee benefit coverage;

(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

(9) enter into and perform such contracts or other transactions as are necessary to carry out Commission duties;

(10) establish and maintain a central office located within the Northern Border Economic Development Commission region and field offices at such locations as the Commission may select; and

(11) provide for an appropriate level of representation in Washington, DC.

(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

(1) cooperate with the Commission; and

(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

(g) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Administrative expenses of the Commission (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

(B) by the States in the region participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

(2) STATE SHARE.—

(A) IN GENERAL.—The share of administrative expenses of the Commission to be paid by each State shall be determined by the Commission.

(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

(h) COMPENSATION.—

(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

(3) STATE MEMBERS AND ALTERNATES.—

(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Commission at the rate established by law of the State.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Commission.

(4) DETAILED EMPLOYEES.—

(A) IN GENERAL.—No person detailed to serve the Commission under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Commission from—

(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

(ii) the Commission.

(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Commission under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

(5) ADDITIONAL PERSONNEL.—

(A) COMPENSATION.—

(i) IN GENERAL.—The Commission may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out the duties of the Commission.

(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

(i) the carrying out of the administrative duties of the Commission;

(ii) direction of the Commission staff; and

(iii) such other duties as the Commission may assign.

(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Commission (except the Federal cochairperson of the Commission, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Commission under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

(i) CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Commission shall participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee any of the following persons has a financial interest:

(A) The member, alternate, officer, or employee.

(B) The spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee.

(C) Any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

(A) immediately advises the Commission of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the State member, alternate, officer, or employee.

(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

SEC. 11083. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

(a) IN GENERAL.—The Commission may approve grants to States, local development districts (as defined in section 11085(a)), and public and nonprofit entities for projects, approved in accordance with section 11088—

(1) to develop the infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

(2) to assist the region in obtaining job training, employment-related education, business development, and small business development and entrepreneurship;

(3) to assist the region in community and economic development;

(4) to support the development of severely distressed and underdeveloped areas;

(5) to promote resource conservation, forest management, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

(6) to promote the development of renewable and alternative energy sources; and

(7) to achieve the purposes of this subtitle.

(b) FUNDING.—

(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

(A) entirely from appropriations to carry out this section;

(B) in combination with funds available under another State or Federal grant program; or

(C) from any other source.

(2) ELIGIBLE PROJECTS.—The Commission may provide assistance, make grants, enter into contracts, and otherwise provide funds to eligible entities in the region for projects that promote—

(A) business development;

(B) job training or employment-related education;

(C) small businesses and entrepreneurship, including—

(i) training and education to aspiring entrepreneurs, small businesses, and students;

(ii) access to capital and facilitating the establishment of small business venture capital funds;

(iii) existing entrepreneur and small business development programs and projects; and

(iv) projects promoting small business innovation and research;

(D) local planning and leadership development;

(E) basic public infrastructure, including high-tech infrastructure and productive natural resource conservation;

(F) information and technical assistance for the modernization and diversification of the forest products industry to support value-added forest products enterprises;

(G) forest-related cultural, nature-based, and heritage tourism;

(H) energy conservation and efficiency in the region to enhance its economic competitiveness;

(I) the use of renewable energy sources in the region to produce alternative transportation fuels, electricity and heat; and

(J) any other activity facilitating economic development in the region.

(3) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated or otherwise made available to carry out this section may be used to increase a Federal share in a grant program, as the Commission determines appropriate.

SEC. 11084. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

(a) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (b), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in the region in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 80 percent of the costs of the project.

(b) CERTIFICATION.—

(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

(A) meets the applicable requirements of the applicable Federal grant law; and

(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

(2) CERTIFICATION BY COMMISSION.—

(A) IN GENERAL.—The certifications and determinations required to be made by the Commission for approval of projects under this subtitle in accordance with section 11088—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

SEC. 11085. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ''local development district'' means an entity designated by the State that—

(1) is—

(A)(i) a planning district in existence on the date of enactment of this Act that is recognized by the Economic Development Administration of the Department of Commerce; or

(ii) a development district recognized by the State; or

(B) if an entity described in subparagraph (A)(i) or (A)(ii) does not exist, an entity designated by the Commission that satisfies the criteria developed by the Economic Development Administration for a local development district; and

(2) has not, as certified by the Federal cochairperson—

(A) inappropriately used Federal grant funds from any Federal source; or

(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

(1) IN GENERAL.—The Commission may make grants for administrative expenses under this section.

(2) CONDITIONS FOR GRANTS.—

(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

(B) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

(1) operate as a lead organization serving multicounty areas in the region at the local level; and

(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

(A) are involved in multijurisdictional planning;

(B) provide technical assistance to local jurisdictions and potential grantees; and

(C) provide leadership and civic development assistance.

SEC. 11086. DEVELOPMENT PLANNING PROCESS.

(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Commission, each State member shall submit a development plan for the area of the region represented by the State member.

(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 11082(d)(2).

(c) CONSULTATION.—In carrying out the development planning process, a State shall—

(1) consult with—

(A) local development districts;

(B) local units of government;

(C) institutions of higher learning; and

(D) stakeholders; and

(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

(d) PUBLIC PARTICIPATION.—The Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

SEC. 11087. PROGRAM DEVELOPMENT CRITERIA.

(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance provided by the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

(1) the relationship of the project to overall regional development;

(2) the economic distress of an area, including the per capita income, outmigration, poverty and unemployment rates, and other socioeconomic indicators for the area;

(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

(4) the importance of the project in relation to other projects that may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project;

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated; and

(7) the preservation of multiple uses, including conservation, of natural resources.

(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist an establishment in relocating from 1 area to another.

(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this subtitle only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

SEC. 11088. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Commission.

(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Commission representing the applicant.

(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member and Federal cochairperson that the application for the project—

(1) describes ways in which the project complies with any applicable State development plan;

(2) meets applicable criteria under section 11087;

(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements of this subtitle.

(d) VOTES FOR DECISIONS.—Upon certification of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 11082(c) shall be required for approval of the application.

SEC. 11089. CONSENT OF STATES.

Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

SEC. 11090. RECORDS.

(a) RECORDS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall maintain accurate and complete records of all transactions and activities of the Commission.

(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Commission (including authorized representatives of the Comptroller General and the Commission).

(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Commission, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Commission.

(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Commission (including authorized representatives of the Comptroller General and the Commission).

SEC. 11091. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year, the Commission shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

SEC. 11092. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this subtitle $40,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Commission.

SEC. 11093. TERMINATION OF COMMISSION.

This subtitle shall have no force or effect on or after October 1, 2012.

SEC. 11094. REGION OF NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

(a) GOAL.—It shall be the goal of the Commission to address economic distress along the northern border of the United States east of, and including, Cayuga County, New York, especially in rural areas.

(b) COUNTIES INCLUDED IN NORTHERN BORDER REGION.—Consistent with the goal described in subsection (a), the region of Commission shall include the following counties:

(1) In Maine, the counties of Aroostook, Franklin, Oxford, Somerset, and Washington.

(2) In New Hampshire, the county of Coos.

(3) In New York, the counties of Cayuga, Clinton, Franklin, Jefferson, Oswego, and St. Lawrence.

(4) In Vermont, the counties of Essex, Franklin, Grand Isle, and Orleans.

(c) CONTIGUOUS COUNTIES.—

(1) IN GENERAL.—Subject to paragraph (2), in addition to the counties listed in subsection (b), the region of Commission shall include the following counties:

(A) In Maine, the counties of Androscoggin, Kennebec, Penobscot, Piscataquis, and Waldo.

(B) In New York, the counties of Essex, Hamilton, Herkimer, Lewis, Oneida, and Seneca.

(C) In Vermont, the county of Caledonia.

(2) RECOMMENDATIONS TO CONGRESS.—As part of an annual report submitted under section 11091, the Commission may recommend to Congress removal of a county listed in paragraph (1) from the region on the basis that the county no longer exhibits 2 or more of the following economic distress factors: population loss, poverty, income levels, and unemployment.

(d) EXAMINATION OF ADDITIONAL COUNTIES AND AREAS FOR INCLUSION IN THE REGION.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Commission—

(A) shall examine all counties that border the region of the Commission specified in subsection (a), including the political subdivisions and census tracts within such counties; and

(B) may add a county or any portion of a county examined under subparagraph (A)to the region, if the Commission determines that the county or portion—

(i) is predominantly rural in nature; and

(ii) exhibits significant economic distress in terms of population loss, poverty, income levels, unemployment, or other economic indicator that the Commission considers appropriate.

(2) PRIORITY.—In carrying out paragraph (1)(A), the Commission shall first examine the following counties:

(A) In Maine, the counties of Hancock and Knox.

(B) In New Hampshire, the counties of Grafton, Carroll, and Sullivan.

(C) In New York, the counties of Fulton, Madison, Warren, Saratoga, and Washington.

(D) In Vermont, the county of Lamoille.

(e) ADDITION OF COUNTIES AND OTHER AREAS.—

(1) RECOMMENDATIONS.—Following the one-year period beginning on the date of enactment of this Act, as part of an annual report submitted under section 11091, the Commission may recommend to Congress additional counties or portions of counties for inclusion in the region.

(2) AREAS OF ECONOMIC DISTRESS.—The Commission may recommend that an entire county be included in the region on the basis of one or more distressed areas within the county.

(3) ASSESSMENTS OF ECONOMIC CONDITIONS.—The Commission may provide technical and financial assistance to a county that is not included in the region for the purpose of conducting an economic assessment of the county. The results of such an assessment may be used by the Commission in making recommendations under paragraph (1).

(f) LIMITATION.—A county eligible for assistance from the Appalachian Regional Commission under subtitle IV of title 40, United States Code, shall not be eligible for assistance from the Northern Border Economic Development Commission.

SEC. 11095. REDUCTION IN FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of this Act or an amendment made by this Act, for the period beginning on October 1, 2007, and ending on September 30, 2011—

(1) each amount provided to carry out a program under title I or an amendment made by title I is reduced by an amount necessary to achieve a total reduction of $200,000,000; and

(2) the Secretary shall adjust the amount of each payment, loan, gain, or other assistance provided under each program described in paragraph (1) by such amount as is necessary to achieve the reduction required under that paragraph, as determined by the Secretary.

(b) APPLICATION.—This section does not apply to a payment, loan, gain, or other assistance provided under a contract entered into by the Secretary before the date of enactment of this Act.

SA 3760. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1495, strike line 10 and all that follows through page 1500, line 7, and insert the following:

PART IV—ENERGY PROGRAM FUNDING AND INCENTIVES FOR ALTERNATIVE FUELS

SEC. 12331. INCREASED FUNDING FOR CERTAIN ENERGY PROGRAMS.

In addition to the amounts made available under title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) (as amended by section 9001), of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the biorefinery and repowering assistance program established under section 9005 of that Act , an additional $100,000,000 for fiscal year 2008;

(2) the Rural Energy for America Program established under section 9007 of that Act, an additional $120,000,000 for fiscal year 2008; and

(3) the biomass research and development program established under section 9008 of that Act, an additional $20,000,000 for each of fiscal years 2008 through 2012.

SEC. 12332. EXTENSION AND MODIFICATION OF CREDIT FOR COAL-TO-LIQUID FUELS.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended to read as follows:

''(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

''(A) September 30, 2014, in the case of any sale or use involving liquified hydrogen,

''(B) December 31, 2010, in the case of any sale or use involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

''(C) September 30, 2009, in the case of any other sale or use.''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended to read as follows:

''(3) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

''(A) September 30, 2014, in the case of any sale or use involving liquified hydrogen,

''(B) December 31, 2010, in the case of any sale or use involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

''(C) September 30, 2009, in the case of any other sale or use.''.

(3) PAYMENTS.—Paragraph (5) of section 6427(e) (relating to termination) is amended—

(A) in subparagraph (C)—

(i) by striking ''subparagraph (D)'' and inserting ''subparagraphs (D) and (E)'', and

(ii) by striking ''and'' at the end,

(B) by redesignating subparagraph (D) as subparagraph (E), and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) any alternative fuel or alternative fuel mixture (as so defined) involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process sold or used after December 31, 2010, and''.

(b) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after the date of the enactment of this paragraph and on or before the earlier of—

''(I) the date the Secretary makes a determination under subparagraph (C), or

''(II) December 30, 2010, and

''(ii) 75 percent in the case of fuel produced after the date on which the applicable percentage under clause (i) ceases to apply.

''(C) DETERMINATION TO INCREASE APPLICABLE PERCENTAGE BEFORE DECEMBER 31, 2010.—If the Secretary, after considering the recommendations of the Carbon Sequestration Capability Panel, finds that the applicable percentage under subparagraph (B) should be 75 percent for fuel produced before December 31, 2010, the Secretary shall make a determination under this subparagraph. Any determination made under this subparagraph shall be made not later than 30 days after the Secretary receives from the Carbon Sequestration Panel the report required under section 331(c)(3)(D) of the Heartland, Habitat, Harvest, and Horticulture Act of 2007.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(3) CARBON SEQUESTRATION CAPABILITY PANEL.—

(A) ESTABLISHMENT OF PANEL.—There is established a panel to be known as the ''Carbon Sequestration Capability Panel'' (hereafter in this paragraph referred to as the ''Panel'').

(B) MEMBERSHIP.—The Panel shall be composed of—

(i) 1 representative from the National Academy of Sciences,

(ii) 1 representative from the University of Kentucky Center for Applied Energy Research, and

(iii) 1 individual appointed jointly by the representatives under clauses (i) and (ii).

(C) STUDY.—The Panel shall study the appropriate percentage of carbon dioxide for separation and sequestration under section 6426(d)(4) of the Internal Revenue Code of 1986 consistent with the purposes of such section. The panel shall consider whether it is feasible to separate and sequester 75 percent of the carbon dioxide emissions of a facility, including costs and other factors associated with separating and sequestering such percentage of carbon dioxide emissions.

(D) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Panel shall report to the Secretary of Treasury, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the study under subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 12333. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

SA 3761. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 313, strike line 21 and all that follows through page 320, line 22, and insert the following:

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (h) and inserting the following:

''(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

''(1) PROGRAM.—

''(A) IN GENERAL.—During the 2008 through 2012 calendar years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in paragraph (2).

''(B) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the pilot program established under this subsection.

''(2) ELIGIBLE ACREAGE.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), an owner or operator may enroll in the conservation reserve under this subsection—

''(i)(I) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

''(II) a shallow water area that was devoted to a commercial pond-raised aquaculture operation any year during the period of calendar years 2002 through 2007; or

''(III) an agriculture drainage water treatment that receives flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions; and

''(ii) buffer acreage that—

''(I) is contiguous to a wetland or shallow water area described in clause (i);

''(II) is used to protect the wetland or shallow water area described in clause (i); and

''(III) is of such width as the Secretary determines is necessary to protect the wetland or shallow water area described in clause (i) or to enhance the wildlife benefits, including through restriction of bottomland hardwood habitat, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland or shallow water area.

''(B) EXCLUSIONS.—Except for a shallow water area described in paragraph (2)(A)(i), an owner or operator may not enroll in the conservation reserve under this subsection—

''(i) any wetland, or land on a floodplain, that is, or is adjacent to, a perennial riverine system wetland identified on the final national wetland inventory map of the Secretary of the Interior; or

''(ii) in the case of an area that is not covered by the final national inventory map, any wetland, or land on a floodplain, that is adjacent to a perennial stream identified on a 1–24,000 scale map of the United States Geological Survey.

''(C) PROGRAM LIMITATIONS.—

''(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection not more than—

''(I) 100,000 acres in any 1 State referred to in paragraph (1); and

''(II) not more than a total of 1,000,000 acres.

''(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

''(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

''(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

''(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

''(iv) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—Not later than 3 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall—

''(I) conduct a review of the program under this subsection with respect to each State that has enrolled land in the program; and

''(II) notwithstanding clause (i)(I), increase the number of acres that may be enrolled by a State under clause (i)(I) to not more than 150,000 acres, as determined by the Secretary.

''(D) OWNER OR OPERATOR LIMITATIONS.—

''(i) WETLAND.—

''(I) IN GENERAL.—Except for a shallow water area described in paragraph (2)(A)(i), the maximum size of any wetland described in subparagraph (A)(i) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 contiguous acres.

''(II) COVERAGE.—All acres described in subclause (I) (including acres that are ineligible for payment) shall be covered by the conservation contract.

''(ii) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be determined by the Secretary in consultation with the State Technical Committee.

''(iii) TRACTS.—Except for a shallow water area described in paragraph (2)(A)(i) and buffer acreage, the maximum size of any eligible acreage described in subparagraph (A) in a tract (as determined by the Secretary) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 acres.

''(3) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch shall agree—

''(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

''(B) to establish vegetative cover (which may include emerging vegetation in water

and bottomland hardwoods, cypress, and other appropriate tree species in shallow water areas) on the eligible acreage, as determined by the Secretary;

''(C) to a general prohibition of commercial use of the enrolled land; and

''(D) to carry out other duties described in section 1232.

''(4) DUTIES OF THE SECRETARY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments based on rental rates for cropland and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

''(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

''(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.''.

SA 3762. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

''SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

''(a) DEFINITION OF EMERGENCY MEDICAL SERVICE.—In this section:

''(1) IN GENERAL.—The term 'emergency medical service' means any resource used by a qualified public or private 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.

''(2) INCLUSIONS.—The term 'emergency medical service' includes (compensated or volunteer) services delivered by an emergency medical service 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 service provider.

''(b) GRANTS.—The Secretary shall award grants to eligible entities—

''(1) to enable the entities to provide for improved emergency medical services in rural areas; and

''(2) to 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.

''(c) 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 to be 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 (f).

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in rural areas—

''(1) to hire or recruit emergency medical service personnel;

''(2) to recruit or retain volunteer emergency medical service personnel;

''(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

''(4) to fund training to meet Federal or State certification requirements;

''(5) to provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel;

''(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning); and

''(7) to educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

''(e) 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 (c)(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 (d).

''(f) 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.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is 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.''.

SA 3763. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—DOMESTIC PET TURTLE MARKET ACCESS

SEC. ____. SHORT TITLE.

This title may be cited as the ''Domestic Pet Turtle Equality Act''.

SEC. ____. FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can eradicate salmonella from turtles up until the point of sale, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration and the Department of Agriculture should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. ____. REVIEW, REPORT, AND ACTION ON THE SALE OF BABY TURTLES.

(a) PET TURTLE.—In this section, the term ''pet turtle'' means a turtle that is less than 10.2 centimeters in diameter.

(b) PREVALENCE OF SALMONELLA.—Not later than 60 days after the date of enactment of this title, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall determine the prevalence of salmonella in each species of reptile and amphibian sold legally as a pet in the United States in order to determine whether the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is not more than 10 percent less than the percentage of salmonella in pet turtles.

(c) ACTION IF PREVALENCE IS SIMILAR.—If the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is more than 10 percent less than the percentage of salmonella in pet turtles—

(1) the Secretary of Agriculture shall—

(A) conduct a study to determine how pet turtles can be sold safely as pets in the United States and provide recommendations to Congress not later than 150 days after the date of such determination;

(B) in conducting such study, consult with all relevant stakeholders, such as the Centers for Disease Control and Prevention, the turtle farming industry, academia, and the American Academy of Pediatrics; and

(C) examine the safety measures taken to protect individuals from salmonella-related

dangers involved with reptiles and amphibians sold legally in the United States that contain a similar or greater presence of salmonella than that of pet turtles; and

(2) the Secretary of Agriculture—

(A) may not prohibit the sale of pet turtles in the United States; or

(B) shall prohibit the sale in the United States of any reptile or amphibian that contains a similar or greater prevalence of salmonella than that of pet turtles.

SA 3764. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(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—

''(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 or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) 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.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) 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) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

SA 3765. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(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—

''(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 or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) 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.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) 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) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

SA 3766. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(__)PAUNSAUGUNT PLATEAU WILDLIFE AND RANGELAND ENHANCEMENT PILOT PROGRAM.—

(1) Of the amounts made available in Subsection ____—the Secretary shall reserve $5,000,000 to remain available until expended to initiate a pilot program in partnership with local Water Conservation Districts for watershed restoration and the protection and enhancement of native, introduced, and sensitive forage grass and browse, plant species for use by wildlife and livestock in the Paunsaugunt Plateau and adjacent public and private lands in the region.

(2)APPROVAL.—The Secretary may also approve regional conservation activities under this subsection to facilitate vegetative manipulation of climax pinion juniper rangeland, restoration of erosion drainage areas and riparian areas in cooperation with local Water Conservation Districts.

SA 3767. Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 234, between lines 12 and 13, insert the following:

SEC. 1815. FUNDS FOR PROMOTION OF ORANGE JUICE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall, not later than December 31, 2007, and each year thereafter, transfer to the Department of Citrus of the State of Florida an amount equal to 30 percent of the amounts received in the general fund of the Treasury of the United States during the preceding fiscal year that are attributable to the duties collected on articles described in subsection (b).

(b) ARTICLES DESCRIBED.—The articles described in this subsection are articles classifiable under subheadings 2009.11.00 through 2009.19.00 of the Harmonized Tariff Schedule of the United States, that are entered, or withdrawn from warehouse, for consumption.

(c) USE OF AMOUNTS TRANSFERRED.—The amounts transferred pursuant to this section shall be used by the State of Florida for research and promotion activities related to orange juice.

SA 3768. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1472, line 1, strike all through page 1480, line 3, and insert the following:

PART II—ALCOHOL AND OTHER FUELS

SEC. 12311. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—For purposes of this subsection, the term 'cellulosic biofuel' means any liquid transportation fuel derived from any lignocellulosic or hemicellulosic matter (other than food starch) that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel''.

(2) The heading of section 168(l) is amended by striking ''CELLULOSIC BIOMASS ETHANOL'' and inserting ''CELLULOSIC BIOFUEL''.

(3) The heading of paragraph (2) of section 168(l) is amended by striking ''CELLULOSIC BIOMASS ETHANOL'' and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 30D. CELLULOSIC BIOFUEL PRODUCTION.

''(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $1.28 for each gallon of qualified cellulosic biofuel production.

''(b) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced in the United States by the taxpayer and which during the taxable year—

''(1) is sold by the taxpayer to another person—

''(A) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(B) for use by such other person as a fuel in a trade or business, or

''(C) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

''(2) is used or sold by the taxpayer for any purpose described in paragraph (1).

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid transportation fuel derived from any lignocellulosic or hemicellulosic mater (other than food starch) that is available on a renewable or recurring basis.

''(2) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—The term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

''(A) is sold by the person producing such mixture to any person for use as a fuel, or

''(B) is used as a fuel by the person producing such mixture.

''(3) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(4) UNITED STATES PRODUCTION ONLY.—No credit shall be determined under subsection

(a) with respect to any biofuel unless such biofuel is produced in the United States.

''(5) CELLULOSIC BIOFUEL NOT USED AS A FUEL.—If any credit is allowed under subsection (a) and any person does not use such cellulosic biofuel for a purpose described in subsection (b), then there is hereby imposed on such person a tax equal to $1.28 for each gallon of such cellulosic biofuel.

''(6) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(7) ALLOCATION OF CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under section 40(g)(6) shall apply for purposes of this section.

''(8) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section to any taxpayer with respect to any cellulosic biofuel if a credit or payment is allowed with respect to such fuel to such taxpayer under section 40, 40A, 6426, or 6427(e).

''(d) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C.

''(e) CARRYFORWARD AND CARRYBACK OF UNUSED CREDIT.—

''(1) IN GENERAL.—If the credit allowable under subsection (a) exceeds the limitation imposed by subsection (d) for such taxable year (hereinafter in this section referred to as the 'unused credit year') reduced by the sum of the credits allowable under subpart A, such excess shall be—

''(A) carried back to the taxable year preceding the unused credit year, and

''(B) carried forward to each of the 20 taxable years following the unused credit year.

''(2) TRANSITION RULE.—The credit under subsection (a) may not be carried to a taxable year beginning before January 1, 2008.

''(f) APPLICATION OF SECTION.—This section shall apply with respect to qualified cellulosic biofuel production—

''(1) after December 31, 2007, and

''(2) before the later of—

''(A) the date on which the Secretary of Energy certifies that 1,000,000,000 gallons of cellulosic biofuels have been produced in the United States after December 31, 2007, and

''(B) April 1, 2015.''.

(b) DEDUCTION ALLOWED FOR UNUSED CREDIT.—Section 196(c) is amended by adding at the end the following new subsection:

''(d) DEDUCTION ALLOWED FOR CELLULOSIC BIOFUEL PRODUCTION CREDIT.—

''(1) IN GENERAL.—If any portion of the credit allowed under section 30D for any taxable year has not, after the application of section 30D(d), been allowed to the taxpayer as a credit under such section for any taxable year, an amount equal to such credit not so allowed shall be allowed to the taxpayer as a deduction for the first taxable year following the last taxable year for which such credit could, under section 30D(e), have been allowed as a credit.

''(2) TAXPAYER'S DYING OR CEASING TO EXIST.—If a taxpayer dies or ceases to exist before the first taxable year following the last taxable year for which the credit could, under section 30D(e), have been allowed as a credit, the amount described in paragraph (1) (or the proper portion thereof) shall, under regulations prescribed by the Secretary, be allowed to the taxpayer as a deduction for the taxable year in which such death or cessation occurs.''.

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 87 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the cellulosic biofuel production credit determined with respect to the taxpayer under section 30D(a).''.

(B) The heading of section 87 of such Code is amended by striking ''**AND BIODIESEL FUELS CREDITS**'' and inserting ''**, BIODIESEL FUELS,** and **CELLULOSIC BIOFUELS CREDITS**''.

(C) The item relating to section 87 is the table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking ''and biodiesel fuels credits'' and inserting '', biodiesel fuels, and cellulosic biofuels credits''.

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 30D. Cellulosic biofuel production.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SA 3769. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).'';

(2) in subsection (c), by striking ''2007 calendar'' and inserting ''2012 fiscal''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''or'' at the end; and

(B) by striking paragraph (3) and inserting the following:

''(3) a riparian area; or

''(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.''.

SA 3770. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).'';

(2) in subsection (c), by striking ''2007 calendar'' and inserting ''2012 fiscal''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''or'' at the end; and

(B) by striking paragraph (3) and inserting the following:

''(3) a riparian area; or

''(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.''.

SA 3771. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. AGRICULTURAL REGULATORY FLEXIBILITY

Chapter 55 of title 7 is amended by adding following:

''§ 2301 Definitions

For purposes of this chapter—

''(1) the term ''agency'' means an agency as defined in section 551(1) of title 5;

''(2) the term ''agricultural entity'' means any person or entity that has income derived from farming, ranching or forestry operations, the production of crops, livestock, or unfinished raw forestry products; the sale, including the sale of easements and development rights, of farm, ranch, or forestry and or water or hunting rights; the sale of equipment to conduct farm ranch, or forestry operations; the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights; the provision of production inputs and services to farmers, ranchers, and foresters; the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities; the sale of land that has been used for agriculture; and payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007;

''(3) the term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, or any other law, including any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment, except that the term ''rule'' does not include a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefore or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances;

''(4) the term ''collection of information''—

''(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

''(B) shall not include a collection of information described under section 3518(c)(1) of title 44, United States Code.

''(5) Recordkeeping requirement.—The term ''recordkeeping requirement'' means a requirement imposed by an agency on persons to maintain specified records.

''§ 2302. Agricultural regulatory flexibility agenda

''(a) During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda which shall contain—

''(1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of agricultural entities;

''(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for

the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and;

''(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

''(b) Each agricultural regulatory flexibility agenda shall be transmitted to the Chief Counsel for Advocacy of the Department of Agriculture for comment, if any.

''(c) Each agency shall endeavor to provide notice of each agricultural regulatory flexibility agenda to agricultural entities or their representatives through direct notification or publication of the agenda in publications likely to be obtained by such agricultural entities and shall invite comments upon each subject area on the agenda.

''(d) Nothing in this section precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda, or requires an agency to consider or act on any .matter listed in such agenda.

''§ 2303. Initial agricultural regulatory flexibility analysis

''(a) Whenever an agency is required by section 553 of title 5, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility analysis. Such analysis shall describe the impact of the proposed rule on agricultural entities. The initial agricultural regulatory flexibility analysis or a summary shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule. The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy of the Department of Agriculture. In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations, but only to the extent that such interpretative rules impose on agricultural entities a collection of information requirement.

''(b) Each initial agricultural regulatory flexibility analysis required under this section shall contain—

''(1) a description of the reasons why action by the agency is being considered;

''(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

''(3) a description of and, where feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

''(4) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

''(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

''(c) Each initial agricultural regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on agricultural entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as—

''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

''(2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such agricultural entities;

''(3) the use of performance rather than design standards; and

''(4) an exemption from coverage of the rule, or any part thereof, for such agricultural entities.

''§ 2304. Final agricultural regulatory flexibility analysis

''(a) When an agency promulgates a final rule under section 553 of title 5, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 103(a), the agency shall prepare a final agricultural regulatory flexibility analysis. Each final agricultural regulatory flexibility analysis shall contain—

''(1) a succinct statement of the need for, and objectives of, the rule;

''(2) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

''(3) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of agricultural entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on agricultural entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on agricultural entities was rejected.

''(b) The agency shall make copies of the final agricultural regulatory flexibility analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

''§ 2305. Avoidance of duplicative or unnecessary analysis

''(a) Any Federal agency may perform the analyses required by sections 102, 103, and 104 of this chapter in conjunction with or as a part of any other agenda or analysis required by any other law if such other analysis satisfies the provisions of such sections.

''(b) Sections 103 and 104 of this chapter shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual basis for such certification. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Department of Agriculture.

''(c) In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of sections 102, 103, 104 and 110 of this chapter.

''§ 2306. Effect on other law

The requirements of sections 103 and 104 of this chapter do not alter in any manner standards otherwise applicable by law to agency action.

''§ 2307. Preparation of analyses

''In complying with the provisions of sections 103 and 104 of this chapter, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable.

''§ 2308. Procedure for waiver or delay of completion

''(a) An agency head may waive or delay the completion of some or all of the requirements of section 103 of this chapter by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefore, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of section 103 of this chapter impracticable.

''(b) Except as provided in section 105(b), an agency head may not waive the requirements of section 104 of this chapter. An agency head may delay the completion of the requirements of section 104 of this chapter for a period of not more than one hundred and eighty days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than such date of publication, a written finding, with reasons therefore, that the final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of section 104 of this chapter impracticable. If the agency has not prepared a final agricultural regulatory analysis pursuant to section 104 of this chapter within one hundred and eighty days from the date of publication of the final rule, such rule shall lapse and have no effect. Such rule shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

''§ 2309. Procedures for gathering comments

''(a) When any rule is promulgated which will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that agricultural entities have been given an opportunity to participate in the rulemaking for the rule through the rational use of techniques such as—

''(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

''(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

''(3) the direct notification of interested agricultural entities;

''(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities including soliciting and receiving comments over computer networks; and

''(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

''(b) Prior to publication of an initial agricultural regulatory flexibility analysis which a covered agency is required to conduct by this chapter—

''(1) a covered agency shall notify the Chief Counsel for Advocacy of the Department of Agriculture and provide the Chief Counsel with information on the potential impacts of the proposed rule on agricultural entities that might be affected;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

''(3) the agency shall convene a review panel for such rule consisting wholly of full time Federal employees of the office within the agency responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel;

''(4) the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual agricultural entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 103(b), paragraphs (3), (4) and (5) and 103(c);

''(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the agricultural entity representatives and its findings as to issues related to subsections 103(b), paragraphs (3), (4) and (5) and 103(c), provided that such report shall be made public as part of the rulemaking record; and

''(6) where appropriate, the agency shall modify the proposed rule, the initial agricultural flexibility analysis or the decision on whether an initial flexibility analysis is required.

''(c) An agency may in its discretion apply subsection (b) to rules that the agency intends to certify under subsection 105(b), but the agency believes may have a greater than de minimis impact on a substantial number of agricultural entities.

''(d) For purposes of this section, the term ''covered agency'' means the Environmental Protection Agency and the Department of the Interior and its agencies.

''(e) The Chief Counsel for Advocacy, in consultation with the individuals identified in subsection (b)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of subsections (b)(3), (b)(4), and (b)(5) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process. For purposes of this subsection, the factors to be considered in making such a finding are as follows:

''(1) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected agricultural entities with respect to the potential impacts of the rule and took such concerns into consideration.

''(2) Special circumstances requiring prompt issuance of the rule.

''(3) Whether the requirements of subsection (b) would provide the individuals identified in subsection (b)(2) with a competitive advantage relative to other agricultural entities.

''§ 2310. Periodic review of rules

''(a) Within one hundred and eighty days after the effective date of this chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of agricultural entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such agricultural entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, he shall so certify in a statement published in the Federal Register and may extend the completion date by one year at a time for a total of not more than five years.

''(b) In reviewing rules to minimize any significant economic impact of the rule on a substantial number of agricultural entities in a manner consistent with the stated objectives of applicable statutes, the agency shall consider the following factors—

''(1) the continued need for the rule;

''(2) the nature of complaints or comments received concerning the rule from the public;

''(3) the complexity of the rule;

''(4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

''(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(c) Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of agricultural entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule.

''§ 2311. Judicial review

''(a)(1) For any rule subject to this chapter, an agricultural entity that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of sections 101, 104, 105(b), 108(b), and 110 in accordance with chapter 7 of title 5. Agency compliance with sections 107 and 109(a) shall be judicially reviewable in connection with judicial review of section 104.

''(2) Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 101, 104, 105(b), 108(b) and 110 in accordance with chapter 7. Agency compliance with sections 107 and 109(a) shall be judicially reviewable in connection with judicial review of section 104.

''(3)(A) An agricultural entity may seek such review during the period beginning on the date of final agency action and ending one year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, such lesser period shall apply to an action for judicial review under this section.

''(B) In the case where an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 108(b) of this chapter, an action for judicial review under this section shall be filed not later than—

''(i) one year after the date the analysis is made available to the public, or

''(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1–year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

'(4) In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this chapter and chapter 7 of title 5, including, but not limited to—

''(A) remanding the rule to the agency, and

''(B) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

''(5) Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this section.

''(b) In an action for the judicial review of a rule, the agricultural flexibility analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (a)(4), shall constitute part of the entire record of agency action in connection with such review.

''(c) Compliance or noncompliance by an agency with the provisions of this chapter shall be subject to judicial review only in accordance with this section.

''(d) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

''§ 2312. Reports and intervention rights

''(a) The Chief Counsel for Advocacy of the Department of Agriculture shall monitor agency compliance with this chapter and shall report at least annually thereon to the President and to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry.

''(b) The Chief Counsel for Advocacy of the Department of Agriculture is authorized to appear as amicus curiae in any action brought in a court of the United States to review a rule. In any such action, the Chief Counsel is authorized to present his or her views with respect to compliance with this chapter, the adequacy of the rulemaking record with respect to agricultural entities and the effect of the rule on agricultural entities.

''(c) A court of the United States shall grant the application of the Chief

Counsel for Advocacy of the Department of Agriculture to appear in any such action for the purposes described in subsection (b).

''§ 2313. Creation of USDA Office of Advocacy within Department of Agriculture; Chief Counsel for Agricultural Advocacy

There is established within the Department of Agriculture a USDA Office of Advocacy. The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''§ 2314. Primary functions of USDA Office of Advocacy

The primary functions of the USDA Office of Advocacy shall be to—

''(1) measure the direct costs and other effects of government regulation on agricultural entities; and make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

''(2) study the ability of financial markets and institutions to meet agricultural entity credit needs and determine the impact of government demands for credit on agricultural entities;

''(3) recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to their full potential, and to ascertain the common reasons, if any, for agricultural entity successes and failures;

''(4) evaluate the efforts of each department and agency of the United States, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans and to provide statistical information on the utilization of such programs by such agricultural entities, and to make appropriate recommendations to the Secretary of Agriculture and to the Congress in order to promote the establishment and growth of those agricultural entities.

''§ 2315. Additional duties of USDA Office of Advocacy

The USDA Office of Advocacy shall also perform the following duties on a continuing basis:

''(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Administration and any other Federal agency which affects agricultural entities;

''(2) counsel agricultural entities on how to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government;

''(3) develop proposals for changes in the policies and activities of any agency of the Federal Government which will better fulfill the purposes of agricultural entities and communicate such proposals to the appropriate Federal agencies;

''(4) represent the views and interests of agricultural entities before other Federal agencies whose policies and activities may affect agricultural entities; and

''(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government which are of benefit to agricultural entities, and information on how agricultural entities can participate in or make use of such programs and services.

SA 3772. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. CARDIN, Mr. ALLARD, Mr. SESSIONS, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 461, strike line 24 and all that follows through page 474, line 25, and insert the following:

''(f) PARTNERSHIPS AND COOPERATION.—

''(1) IN GENERAL.—In carrying out each program under subtitle D (excluding the wetlands reserve program and the conservation reserve program), the Secretary may designate special projects to enhance assistance provided to multiple producers to address conservation issues relating to agricultural and nonindustrial private forest management and production, if recommended by the applicable State Conservationist, in consultation with the State technical committee.

''(2) PURPOSES.—The purposes of special projects carried out under this subsection shall be to achieve local, statewide, or regional conservation objectives by—

''(A) encouraging producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural operations;

''(B) encouraging producers to cooperate in meeting applicable Federal, State, and local regulatory requirements regarding natural resources and the environment;

''(C) encouraging producers to share information and technical and financial resources;

''(D) facilitating cumulative conservation benefits in geographic areas;

''(E) promoting the development and demonstration of innovative conservation methods; and

''(F) seeking opportunities to simultaneously advance—

''(i) the conservation of natural resources; and

''(ii) the community development and economic conditions of agricultural areas.

''(3) ELIGIBLE PARTNERS.—State and local government entities (including irrigation and water districts and canal companies), Indian tribes, farmer cooperatives, institutions of higher education, nongovernmental organizations, and producer associations shall be eligible to apply under this subsection.

''(4) SPECIAL PROJECT APPLICATION.—To apply for designation as a special project under paragraph (1), partners shall submit an application to the Secretary that includes—

''(A) a description of the geographic area, the current conditions, the conservation objectives to be achieved through the special project, and the expected level of participation by agricultural and nonindustrial private forest landowners;

''(B) a description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of the partners;

''(C) a description of the program resources from 1 or more programs under subtitle D that are requested from the Secretary, in relevant units, and the non-Federal resources that will be leveraged by the Federal contribution;

''(D) a description of—

''(i) any proposed program adjustment described in paragraph (5)(D)(ii); and

''(ii) the means by which each proposed program adjustment will accelerate the achievement of environmental benefits;

''(E) a description of the plan for monitoring, evaluating, and reporting on any progress made towards achieving the purposes of the special project; and

''(F) such other information as the Secretary considers necessary.

''(5) DUTIES OF THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall enter into multiyear agreements with partners to facilitate the delivery of conservation program resources in a manner to achieve the purposes described in paragraph (2).

''(B) PROJECT SELECTION.—

''(i) IN GENERAL.—The Secretary shall conduct a competitive process to select projects funded under this subsection.

''(ii) FACTORS CONSIDERED.—In conducting the process described in clause (i), the Secretary shall make public factors to be considered in evaluating applications.

''(iii) PRIORITY.—The Secretary may give priority to applications based on—

''(I) the highest percentage of producers involved, and the inclusion of the highest percentage of working agricultural land in the area;

''(II) the highest percentage of on-the-ground conservation to be implemented;

''(III) non-Federal resources to be leveraged;

''(IV) cost-effectiveness;

''(V) the highest likelihood of achieving project goals and objectives;

''(VI) innovation in conservation methods and delivery, including outcome-based performance measures and methods;

''(VII) innovation in linking conservation and community development objectives; and

''(VIII) other factors, as determined by the Secretary.

''(C) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary and partners shall provide appropriate technical and financial assistance to producers participating in a special project in an amount determined by the Secretary to be necessary to achieve the purposes described in paragraph (2).

''(D) ADMINISTRATION.—

''(i) IN GENERAL.—The Secretary shall ensure that resources made available under this subsection are delivered in accordance with applicable program rules relating to basic program functions, including appeals, payment limitations, and conservation compliance.

''(ii) FLEXIBILITY.—The Secretary may adjust elements of the programs under this title to better reflect unique local circumstances and purposes, if the Secretary determines that such adjustments are necessary to achieve the purposes of this subsection.

''(iii) ADDITIONAL REQUIREMENTS.—The Secretary may establish additional requirements beyond applicable program rules in order to effectively implement this subsection.

''(6) SPECIAL RULES APPLICABLE TO REGIONAL WATER ENHANCEMENT PROJECTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PARTNER.—The term 'eligible partner' means—

''(I) an eligible partner identified in paragraph (3); and

''(II) a water or wastewater agency of a State.

''(ii) ELIGIBLE PROJECT.—

''(I) IN GENERAL.—The term 'eligible project' means a project that is specifically targeted to improve water quality or quantity in an area.

''(II) INCLUSIONS.—The term 'eligible project' includes a project that involves—

''(aa) resource condition assessment and modeling;

''(bb) water quality, water quantity, or water conservation plan development;

''(cc) management system and environmental monitoring and evaluation;

''(dd) cost-share restoration or enhancement;

''(ee) incentive payments for land management practices;

''(ff) easement purchases;

''(gg) conservation contracts with landowners;

''(hh) improved irrigation systems;

''(ii) water banking and other forms of water transactions;

''(jj) groundwater recharge;

''(kk) stormwater capture; and

''(ll) other water-related activities that the Secretary determines will help to achieve the water quality or water quantity benefits identified in the agreement in subparagraph (E) on land described in paragraph (1).

''(B) REGIONAL WATER ENHANCEMENT PROCEDURES.—With respect to proposals for eligible projects by eligible partners, the Secretary shall establish specific procedures (to be known collectively as 'regional water enhancement procedures') in accordance with this paragraph.

''(C) MEANS.—Regional water enhancement activities in a particular region shall be carried out through a combination of—

''(i) multiyear agreements between the Secretary and eligible partners;

''(ii) other regional water enhancement activities carried out by the Secretary; and

''(iii) regional water enhancement activities carried out by eligible partners through other means.

''(D) MULTIYEAR AGREEMENTS WITH ELIGIBLE PARTNERS.—

''(i) SOLICITATION OF PROPOSALS.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall invite prospective eligible partners to submit proposals for regional water enhancement projects.

''(ii) ELEMENTS OF PROPOSALS.—To be eligible for consideration for participation in the program, a proposal submitted by an eligible partner shall include—

''(I) identification of the exact geographic area for which the partnership is proposed, which may be based on—

''(aa) a watershed (or portion of a watershed);

''(bb) an irrigation, water, or drainage district;

''(cc) the service area of an irrigation water delivery entity; or

''(dd) some other geographic area with characteristics that make the area suitable for landscape-wide program implementation;

''(II) identification of the water quality or water quantity issues that are of concern in the area;

''(III) a method for determining a baseline assessment of water quality, water quantity, and other related resource conditions in the region;

''(IV) a detailed description of the proposed water quality or water quantity improvement activities to be undertaken in the area, including an estimated timeline and program resources for every activity; and

''(V) a description of the performance measures to be used to gauge the effectiveness of the water quality or water quantity improvement activities.

''(iii) SELECTION OF PROPOSALS.—The Secretary shall award multiyear agreements competitively, with priority given, as determined by the Secretary, to selecting proposals that—

''(I) have the highest likelihood of improving the water quality or quantity issues of concern for the area;

''(II) involve multiple stakeholders and will ensure the highest level of participation by producers and landowners in the area through performance incentives to encourage adoption of specific practices in specific locations;

''(III) will result in the inclusion of the highest percentage of working agricultural land in the area;

''(IV) will result in the highest percentage of on-the-ground activities as compared to administrative costs;

''(V) will provide the greatest contribution to sustaining or enhancing agricultural or silvicultural production in the area; and

''(VI) include performance measures that will allow post-activity conditions to be satisfactorily measured to gauge overall effectiveness.

''(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

''(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

''(aa) the Chesapeake Bay;

''(bb) the Upper Mississippi River basin;

''(cc) the greater Everglades ecosystem;

''(dd) the Klamath River basin;

''(ee) the Sacramento/San Joaquin River watershed;

''(ff) the Mobile River basin;

''(gg) the Puget Sound; and

''(hh) the Ogallala Aquifer.

''(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

''(E) AGREEMENTS.—Not later than 30 days after the date on which the Secretary awards an agreement under subparagraph (D), the Secretary shall enter into an agreement with the eligible partner that, at a minimum, contains—

''(i) a description of the respective duties and responsibilities of the Secretary and the eligible partner in carrying out the activities in the area; and

''(ii) the criteria that the Secretary will use to evaluate the overall effectiveness of the regional water enhancement activities funded by the multiyear agreement in improving the water quality or quantity conditions of the region relative to the performance measures in the proposal.

''(F) CONTRACTS WITH OTHER PARTIES.—An agreement awarded under subparagraph (D) may provide for the use of third-party providers (including other eligible partners) to undertake specific regional water enhancement activities in a region on a contractual basis with the Secretary or the eligible partner.

''(G) CONSULTATION WITH OTHER AGENCIES.—With respect to areas in which a Federal or State agency is, or will be, undertaking other water quality or quantity-related activities, the Secretary and the eligible partner may consult with the Federal or State agency in order to—

''(i) coordinate activities;

''(ii) avoid duplication; and

''(iii) ensure that water quality or quantity improvements attributable to the other activities are taken into account in the evaluation of the Secretary under subparagraph (E)(ii).

''(H) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary shall ensure that, to the extent that producers and landowners are individually participating in other programs under subtitle D in a region in which a regional water enhancement project is in effect, any improvements to water quality or water quantity attributable to the individual participation are included in the evaluation criteria developed under subparagraph (E)(ii).

''(I) CONSISTENCY WITH STATE LAW.—Any water quality or water quantity improvement activity undertaken under this paragraph shall be consistent with State water laws.

''(7) DURATION.—

''(A) IN GENERAL.—Multiyear agreements under this subsection shall be for a period not to exceed 5 years.

''(B) EARLY TERMINATION.—The Secretary may terminate a multiyear agreement before the end of the agreement if the Secretary determines that performance measures are not being met.

''(8) FUNDING.—

''(A) SET ASIDE.—

''(i) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation security program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent for use for activities under this section.

''(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent for use for activities under this section.

''(B) STATE PROJECTS.—Of the funds and acres allocated to each State in each fiscal year by the Secretary to carry out conservation programs under this subsection, not more than 15 percent may be used by the appropriate State Conservationist to carry out special projects (excluding regional water enhancement projects) that are authorized under this subsection.

''(C) PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through this subsection.

''(D) UNUSED FUNDING.—Any funds made available, and any acres reserved, for a fiscal year under subparagraph (A) that are not obligated or enrolled by April 1 of the fiscal year may be used to carry out other activities under conservation programs under subtitle D during the fiscal year in which the funding becomes available.''.

SA 3773. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Housing Assistance Council Authorization Act of 2007''.

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) AUDIT.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a

study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SEC. 13005. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this title may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other material to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

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

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B)AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking ''any person to knowingly sponsor'' and inserting ''any person—

''(A) to knowingly sponsor'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.'';

(2) in subsection (b)—

(A) by striking ''any person to knowingly sell'' and inserting ''any person—

''(1) to knowingly sell'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.'';

(3) in the last sentence of subsection (f), by striking ''by the United States''; and

(4) in subsection (g)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

''(6) the term 'dog fighting venture'—

''(A) means any event that—

''(i) involves a fight between at least 2 animals;

''(ii) includes at least 1 dog; and

''(iii) is conducted for purposes of sport, wagering, or entertainment; and

''(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

''§ 49. Enforcement of animal fighting prohibitions

''(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

''(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.''.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other material to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

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

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking ''any person to knowingly sponsor'' and inserting ''any person—

''(A) to knowingly sponsor'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.'';

(2) in subsection (b)—

(A) by striking ''any person to knowingly sell'' and inserting ''any person—

''(1) to knowingly sell'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.'';

(3) in the last sentence of subsection (f), by striking ''by the United States''; and

(4) in subsection (g) —

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

''(6) the term 'dog fighting venture'—

''(A) means any event that—

''(i) involves a fight between at least 2 animals;

''(ii) includes at least 1 dog; and

''(iii) is conducted for purposes of sport, wagering, or entertainment; and

''(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

''§ 49. Enforcement of animal fighting prohibitions

''(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

''(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.''.

SA 3777. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3701 submitted by Mr. KYL (for himself and Mr. ALLARD) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

(a) CANCELLATION OR TERMINATION COSTS.—Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

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

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

(b) NATIONAL SHEEP AND GOAT INDUSTRY IMPROVEMENT CENTER.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) (as amended by section 10303(b)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

SA 3778. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3621 submitted by Mr. COLEMAN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike lines 3 through 6 and insert the following:

''(iv)(I) Except as provided in subclause (II), a payment under the environmental quality incentives program established under chapter 4 of subtitle D of title XII.

''(II) The Secretary may grant a waiver for the average adjusted gross income limitation as applied to benefits under subclause (I) and subparagraph (B) to owners of land in agricultural uses if—

''(aa) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(bb) the State conservationist certifies that a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values and certifies that without participation in a conservation program described in subclause (I) or subparagraph (B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

SA 3779. Mr. NELSON of Florida submitted an amendment intended to be

proposed to amendment SA 3559 submitted by Mr. INOUYE (for himself and Mr. AKAKA) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike lines 7 through 9 of the amendment and insert the following:

operation carried out in the State of Hawaii.

''(4) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in paragraph (1)(C) to owners of land in agricultural uses if—

''(A) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(B) the State conservationist certifies that—

''(i) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(ii) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

''(5) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY OPERATIONS.—In determining

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SA 3780. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3665 submitted by Mr. ENSIGN and intented to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike lines 1 through 11 and insert the following:

''(B) CONSERVATION PROGRAMS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity exceeds $2,500,000, unless not less than 75 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.

''(ii) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in clause (i) to owners of land in agricultural uses if—

''(I) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(II) the State conservationist certifies that—

''(aa) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(bb) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

SA 3781. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3645 submitted by Mr. ENSIGN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike line 1 and insert the following:

''(B) CONSERVATION PROGRAMS.—

''(i) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in clause (ii) to owners of land in agricultural uses if—

''(I) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(II) the State conservationist certifies that—

''(aa) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(bb) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

''(ii) LIMITATION.—Not-

SA 3782. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out 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.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out 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) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

SA 3783. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out 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.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out 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) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2007, at 9:30 a.m., in open session, to receive testimony on the state of the United States Army.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The hearing will address issues related to the retirement of the Space Shuttle, its remaining missions, the National Aeronautics and Space Administration's, NASA, plans to compensate should they not fulfill all mission requirements on schedule, and other issues facing NASA when the Space Shuttle is retired.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room SD 366 of the Dirksen Senate Office Building, in order to conduct a hearing.

The purpose of the hearing is to receive testimony on S. 2203, a bill to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund, and for other purposes.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Legislative Hearing on America's Climate Security Act of 2007, S. 2191.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 2:30 p.m. in order to conduct a hearing on the anti-drug foreign assistance package for Mexico and Central America.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''Restoring Congressional Intent and Protections under the Americans with Disabilities Act'' November 15, 2007, at 2 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an executive business meeting on Thursday, November 15, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda:

I. Bills

S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007;

S. 352, Sunshine in the Courtroom Act of 2007, (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin);

S. 344, A bill to permit the televising of Supreme Court proceedings, (Specter, Grassley, Durbin, Schumer, Feingold, Cornyn);

S. 1638, Federal Judicial Salary Restoration Act of 2007, (Leahy, Hatch, Feinstein, Graham, Kennedy).

II. Resolutions

S. Res. 366, designating November 2007 as ''National Methamphetamine Awareness Month,'' to increase awareness of methamphetamine abuse, (Baucus, Grassley, Biden, Graham, Schumer);

S. Res. 367, commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall, (Lieberman, Specter, Biden, Brownback, Cardin, Feinstein)

III. Nominations

Joseph N. Laplante to be United States District Judge for the District of New Hampshire; Reed Charles O'Connor to be United States District Judge for the Northern District of Texas, Dallas Division; Thomas D. Schroeder to be United States District Judge for the Middle District of North Carolina; Amul R. Thapar to be United States District Judge for the Eastern District of Kentucky.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, November 15, 2007, off the Senate Floor in the Reception Room, immediately after the first rollcall vote occurring after 10 a.m. to consider the nomination of Michael W. Hager to be an Assistant Secretary of Veterans Affairs for Human Resources and Management.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 15, 2007, at 2:30 p.m. in order to conduct a business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr, NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, November 15, 2007, from 1:30 p.m.–4 p.m. in room SD–G50 of the Dirksen Senate Office Building for the purpose of conducting a hearing.

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

SUBCOMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA AND THE SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and the Subcommittee on State, Local, and Private Sector Preparedness and Integration be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m. in order to conduct a hearing entitled, ''Not a Matter 'If,' But of 'When': The Status of U.S. Response Following an RDD Attack.''

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

TO AMEND THE HIGHER EDUCATION ACT OF 1965

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2371, introduced earlier today.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2371) to amend the Higher Education Act of 1965 to make technical corrections.

There being no objection, the Senate proceeded to consider the bill.

Mr. MENENDEZ. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2371) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2371

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

SECTION 1. DEFINITION OF UNTAXED INCOME AND BENEFITS.

(a) AMENDMENT.—Section 480(b) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)) is amended by striking paragraph (2) and inserting the following:

''(2) The term 'untaxed income and benefits' shall not include—

''(A) the amount of additional child tax credit claimed for Federal income tax purposes;

''(B) welfare benefits, including assistance under a State program funded under part A of title IV of the Social Security Act and aid to dependent children;

''(C) the amount of earned income credit claimed for Federal income tax purposes;

''(D) the amount of credit for Federal tax on special fuels claimed for Federal income tax purposes;

''(E) the amount of foreign income excluded for purposes of Federal income taxes; or

''(F) untaxed social security benefits.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on July 1, 2009.

SEC. 2. INCOME-BASED REPAYMENT FOR MARRIED BORROWERS FILING SEPARATELY.

Section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended by adding at the end the following:

''(d) SPECIAL RULE FOR MARRIED BORROWERS FILING SEPARATELY.—In the case of a married borrower who files a separate Federal income tax return, the Secretary shall calculate the amount of the borrower's income-based repayment under this section solely on the basis of the borrower's student loan debt and adjusted gross income.''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION DISCHARGED

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the National Oceanic and Atmosphere Administration nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table; that the Homeland Security Committee be discharged from further consideration of the nomination of Todd Zinser to be inspector general of the Department of Commerce and that he be placed on the calendar; that the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN982 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (57) beginning Michael S. Gallagher, and ending Mark K. Frydrych, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NAMING OF EMANCIPATION HALL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 1679 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1679) to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

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

The bill (S. 1679) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1679

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

SECTION 1. DESIGNATION OF GREAT HALL OF THE CAPITOL VISITOR CENTER AS EMANCIPATION HALL.

(a) IN GENERAL.—The great hall of the Capitol Visitor Center shall be known and designated as ''Emancipation Hall'', and any reference to the great hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

(b) EFFECTIVE DATE.—This section shall apply on and after the date of the enactment of this Act.

IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT OF 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 459, S. 2168.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2168) to amend title 18 United States Code to enable increased Federal prosecution of identity theft crimes and to allow for restitution for victims of identity theft.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2168

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 ''Identity Theft Enforcement and Restitution Act of 2007''.

SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (d)(7), by inserting ''or other person'' after ''specific individual''.

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', or a conspiracy to commit such a felony violation,'' after ''any offense that is a felony violation'';

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

''(1) section 513 (relating to making, uttering, or possessing counterfeited securities);'';

(D) by inserting after paragraph (8), as so redesignated, the following:

''(9) section 1708 (relating to mail theft);'';

(E) in paragraph (12), as so redesignated, by striking ''; or'' and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

''(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or''.

SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

[(iii) in subparagraph (C), as so redesignated, by striking ''; and'' and inserting a period;**]**

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), ❙(IV), (V), or (VI)❙ *(IV), or (V)* of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

SEC. 6. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

SEC. 7. CONSPIRACY TO COMMIT CYBER-CRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

SEC. 8. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

SEC. 9. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

SEC. 10. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

Mr. LEAHY. Mr. President, I am pleased that the Senate has taken an

important step to combat identity theft and to protect the privacy rights of all Americans by passing the Leahy-Specter Identity Theft Enforcement and Restitution Act of 2007. This bipartisan cyber crime bill will provide new tools to Federal prosecutors to combat identity theft and other computer crimes. Today's prompt action by the Senate brings us one step closer to providing these much-needed tools to Federal prosecutors and investigators who are on the front lines of the battle against identity theft and other cyber crimes.

I thank Senator SPECTER, who has been a valuable partner in combating the growing problem of identity theft for many years, for joining with me to introduce this important privacy bill. I also thank Senators DURBIN, GRASSLEY, SCHUMER, BILL NELSON, INOUYE, STEVENS and FEINSTEIN for joining with us as cosponsors of this important legislation.

I commend Senators BIDEN and HATCH for their important work in this area. I am pleased that several provisions that they have drafted to further strengthen this cyber crime legislation will be included in this bill, and that with those additions, they have also cosponsored it.

Senator SPECTER and I have worked closely with the Department of Justice in crafting this bill and the Leahy-Specter Identity Theft Enforcement and Restitution Act has the strong support of the Department of Justice and the Secret Service. This bill is also supported by a broad coalition of business, high tech and consumer groups, including Microsoft, Consumers Union, the Cyber Security Industry Alliance, the Business Software Alliance, AARP and the Chamber of Commerce.

The Identity Theft Enforcement and Restitution Act takes several important and long overdue steps to protect Americans from the growing and evolving threat of identity theft and other cyber crimes. First, to better protect American consumers, our bill provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole.

Second, because identity theft schemes are much more sophisticated and cunning in today's digital era, our bill also expands the scope of the Federal identity theft statutes so that the law keeps up with the ingenuity of today's identity thieves. Our bill adds three new crimes—passing counterfeit securities, mail theft, and tax fraud—to the list of predicate offenses for aggravated identity theft. And, in order to better deter this kind of criminal activity, our bill also significantly increases the criminal penalties for these crimes. To address the increasing number of computer hacking crimes that involve computers located within the same State, our bill also eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Our bill also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by eliminating the requirement that the loss resulting from the damage to a victim's computer must exceed $5,000 in order to federally prosecute this offense. The bill also carefully balances this necessary change with the legitimate need to protect innocent actors from frivolous prosecutions, and clarifies that the elimination of the $5,000 threshold applies only to criminal cases. In addition, our bill addresses the increasing number of cyber attacks on multiple computers, by making it a felony to employ spyware or keyloggers to damage 10 or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the bill ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws.

Lastly, our bill strengthens the protections for American businesses, which are more and more becoming the focus of identity thieves, by adding two new causes of action under the cyber extortion statute—threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer—so that this bad conduct can be federally prosecuted. In addition, because a business as well as an individual can be a prime target for identity theft, our bill closes several gaps in the federal identity theft and the aggravated identity theft statutes to ensure that identity thieves who target a small business or a corporation can be prosecuted under these laws. The bill also adds the remedy of civil and criminal forfeiture to the arsenal of tools to combat cyber crime and our bill directs the United States Sentencing Commission to review its guidelines for identity theft and cyber crime offenses.

The Identity Theft Enforcement and Restitution Act is a good, bipartisan measure to help combat the growing threat of identity theft and other cyber crimes to all Americans. Just this week, FBI Director Robert Mueller reminded all Americans that cyber threats will continue to grow as our Nation becomes more dependent upon high technology. This carefully balanced bill protects the privacy rights of American consumers, the interests of business and the legitimate needs of law enforcement. This privacy bill also builds upon our prior efforts to enact comprehensive data privacy legislation. The Leahy-Specter Personal Data Privacy and Security Act, S. 495, which Senator SPECTER and I reintroduced earlier this year, would address the growing dangers of identity theft at its source—lax data security and inadequate breach notification. Protecting the privacy and security of American consumers should be one of the Senate's top legislative priorities and I urge the majority leader to take up that measure at the earliest opportunity.

Again, I thank the bipartisan coalition of Senators who have joined Senator SPECTER and me in supporting this important privacy legislation, as well as the many consumer and business groups that support this bill. I ask unanimous consent that a copy of a support letter that I have received from the Chamber of Commerce regarding this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, November 2, 2007.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, thank you for your leadership on issues related to identity theft and other types of cyber crime. The Chamber strongly supports S. 2168, the ''Identity Theft Enforcement and Restitution Act of 2007,'' and congratulates the Committee on the Judiciary for reporting favorably this important legislation.

The Internet today is a major engine of economic growth for the United States. Unfortunately, accompanying this amazing growth has been the continued rise of malicious cyber activity by very coordinated and clever criminal networks. S. 2168 will go a long way to address this very serious issue by giving law enforcement officials much needed tools and resources to combat these criminals.

Once again, the Chamber appreciates your leadership on these issues, and looks forward to working with the Committee to assure passage of S. 2168 by the full Senate.

Sincerely,

R. BRUCE JOSTEN.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2168), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2168

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 ''Identity Theft Enforcement and Restitution Act of 2007''.

SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (d)(7), by inserting ''or other person'' after ''specific individual''.

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', or a conspiracy to commit such a felony violation,'' after ''any offense that is a felony violation'';

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

''(1) section 513 (relating to making, uttering, or possessing counterfeited securities);'';

(D) by inserting after paragraph (8), as so redesignated, the following:

''(9) section 1708 (relating to mail theft);'';

(E) in paragraph (12), as so redesignated, by striking ''; or'' and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

''(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or''.

SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

SEC. 6. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

SEC. 7. CONSPIRACY TO COMMIT CYBER-CRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

SEC. 8. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

SEC. 9. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

SEC. 10. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order

to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SUPPORTING THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 384, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 384) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

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

Ms. LANDRIEU. Mr. President, I rise today in honor of National Adoption Day and National Adoption Month. Senator COLEMAN and I understand that later today the Senate will consider our resolution recognizing National Adoption Day and National Adoption Month.

Every child should have a loving and permanent family. The Hague Convention recognizes ''that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.'' Unfortunately, not all children have a family of their own. However, through adoption a child can have a ''forever family.''

President Bush has recognized the importance of adoption to children and our Nation. Thus, he has declared November to be National Adoption Month. Nearly half of all Americans have been touched by adoption.

In 2002, 151,332 children found ''forever families,'' a significant increase from 119,766 in 1996. 21,063 of these children were born in another country and adopted by American families. Public agency adoptions have more than doubled since 1995. The National Council for Adoption attributes the increase ''in part to the Adoption and Safe Families Act of 1997's Adoption Incentive Program, which awards financial incentives to States for placing foster children into adoptive homes.'' Seven States: Arizona, Hawaii, Iowa, Kentucky, North Carolina, Oklahoma, and Wyoming, quadrupled the annual number of public agency adoptions from 1995 to 2005. Over 7,000 children who are part of the public child welfare system are adopted every year in California, which is the highest number of all 50 States. However, only 10 percent of the 513,000 children in foster care will ever be adopted.

National Adoption Day occurs on November 17 as a part of National Adoption Month. National Adoption Day is an event to raise awareness of the 114,000 children in foster care who are waiting for permanent families. Since the first National Adoption Day in 2000, nearly 17,000 children have joined ''forever families'' on this special day. This year we hope to have events in all 50 States, the District of Columbia, and Puerto Rico. Over 190 events in 48 States, the District of Columbia, and Puerto Rico are planned for this Saturday to finalize the adoption of over 3,000 foster children and youth.

I want you to picture what happens on this fall day, children running, laughing, and playing with their new parent. Think about a girl or boy planning their special outfit and joyously awaiting the family celebration. Imagine the excitement welling up inside of a child as she looks into her new parent's eyes and knows she is finally part of a family. She will never dread the sound of a car coming to take her away again or wonder where she will lay her head or which school she will be moved to.

Now picture the other dramatically different reality. In 2005, there were 514,000 children in foster care and 115,000 of them were waiting to be adopted. The following States have the largest number of children in their foster care system: California, Florida, Michigan, New York, Pennsylvania, and Texas. Between fiscal years 2000 and 2005, States made progress in reducing the number of children in their foster care systems, such as Illinois, 34 percent reduction, and New York, 35 percent reduction. These children have not had the luxury of their own room, a stable school environment, or a constant adult in their lives. Though the average percentage of children in foster care who are waiting to be adopted is 24 percent, some States have percentages as low as 5 percent,—California—and as high as 38 percent—New Jersey and South Carolina.

Of the 52,000 foster children who were adopted, 60 percent of them were adopted by their foster parents. According to a recent survey by the Dave Thomas Foundation for Adoption, many potential adoptive parents have considered foster care adoption, but ''a majority of Americans hold misperceptions about the foster care adoption process and the children who are eligible for adoption. For example, ''two-thirds of those considering foster care adoption are unnecessarily concerned that biological parents can return to claim their children and nearly half of all Americans mistakenly believe that foster care adoption is expensive, when in reality adopting from foster care is without substantial cost.''

In Louisiana there are 4,541 children in foster care and 1,162 of them are waiting to be adopted. I would like to tell you about some of the foster children in Louisiana who are looking for their ''forever families.''

Natalyia is a cute, outgoing and loveable 8-year-old who is bright and energetic. She is in the second grade and she is an above average student. She loves to read books, ride her bike, complete crossword puzzles, and play

with her dolls. Natalyia has been in foster care since November 2001. The average length of time a child spends in foster care is over 2 years.

Most foster children entered into State custody because their parents were either unable or unwilling to care for them. Not only are children separated from parents, but in many cases, siblings are separated when they are placed in foster care. Terron and Montrell are two brothers in the Louisiana foster care system who would like to be adopted together.

Terron is a handsome, happy 8-year-old in the third grade who is placed in the same foster home with his younger brother, Montrell. Both boys would like to be adopted together, because they share a close bond. Terron responds positively to structure, love, and consistency. He is a caring child who has enjoyed living in a two-parent family. He enjoys soccer, baseball, fishing and any outdoor activity. He wants his new family to know that he likes to eat spaghetti, macaroni, and rice-a-roni. Terron would benefit from a two-parent family that can provide structure as well as stimulation.

Montrell is Terron's brother. He is a very sweet, friendly, and open young boy who responds well to structure and consistency. He is very bonded to his older brother and with time and nurturance can adjust to a new environment. Montrell is a first grader. School is a challenge for him but with patience and redirection, he responds well. Montrell's overall health is good and he is basically a happy little boy. He enjoys riding his bicycle and playing outside. Montrell and Terron would benefit from a 2-parent family that can provide structure as well as stimulation.

Over half the children in foster care are 10 years of age or older and have more difficulty being adopted. These children are just waiting to flourish with the right parent's guidance. Kody and Ronnie are two brothers who are above the age of 10 years old and are waiting in the Louisiana foster care system for a ''forever family.''

Kody is a cute, very active and outgoing, blonde haired, hazel eyed, 13-year-old boy. He enjoys football, skateboarding, fourwheeling, and playing video games. He also loves horses. He is a sixth grader who enjoys science and reading. Kody would like to be an entertainer when he grows up, such as an actor, a comedian, or a rapper. He would like to be in the same home as his brother, Ronnie.

Ronnie is Kody's brother. He is an 11-year-old boy who resembles his brother. Ronnie loves both playing and watching football. He likes to play video games and board games, horses, and going fishing. He is a fourth grader who likes math and science. He would like to be a policeman when he grows up, so that he could rescue people. He would also like to own a toy company, so that he could invent new video games. He wants a family who would care about him. He is very close to his brother Kody and wishes to remain in contact with him.

I could stand here every day for the next month and talk about each child who needs to be adopted out of foster care. The bottom line is that each of these children, from one day old to 22 years old, needs permanency. They all need a loving, nurturing family that will help them to grow, bring out their unique personalities, and transform them into confident and happy adults.

On National Adoption Day, I have faith that this can be done and we must continue to be the catalyst. The miracle of adoption cannot be explained, but the loving parents that are holding their children for the first time today are living examples of how dreams can be realized. As an adoptive mother myself, I find that words cannot adequately explain the miracle of adoption. I can only take a moment to offer my most humble thanks, gratitude, and appreciation to all those across the Nation who have given their Saturday to help find waiting children safe and loving homes.

Let us continue to remember that when National Adoption Month and Day end there are still thousands of children like Natalyia, Montrell, Terron, Kody, and Ronnie who need that sense of permanency. I challenge Congress to make these children their first priority and to help them to finally realize that dream. Please support our resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 384) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 384

Whereas there are approximately 514,000 children in the foster care system in the United States, approximately 115,000 of whom are waiting for families to adopt them;

Whereas 52 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has increased by 41 percent since 1998, and nearly 25,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a recent survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas, while 3 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, nearly 17,000 children have joined forever families during National Adoption Day;

Whereas, in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas, on October 31, 2007, the President proclaimed November 2007 as National Adoption Month, and National Adoption Day is on November 17, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

MEASURE READ THE FIRST TIME—S. 2363

Mr. SALAZAR. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2363) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Mr. SALAZAR. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

Mrs. HUTCHISON. Mr. President, for S. 2363, the report accompanying this bill is the Statement of Managers as

printed in the conference report to accompany H.R. 3043 as Division B, Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008.

ORDERS FOR FRIDAY, NOVEMBER 16, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:30 a.m., Friday, November 16; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of debate of 1 hour prior to the first cloture vote to be equally divided and controlled between the two leaders or their designees and as previously ordered; provided that Senator HARKIN be recognized for up to 10 minutes of the majority's time; that Members have until 9 a.m. to file any germane second-degree amendments.

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

ORDER FOR ADJOURNMENT

Mr. SALAZAR. Mr. President, if there is no further business today, I now ask that the Senate stand adjourned under the previous order following the remarks of the Senator from South Dakota, Mr. THUNE.

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

The Senator from South Dakota.

THE FARM BILL

Mr. THUNE. Mr. President, I want to take the opportunity to kind of make a little assessment of where we are with regard to the farm bill. I have listened throughout the course of the day as Members have come over and accusations have flown back and forth about why we are not making any progress on the farm bill.

Frankly, it is unfortunate because we have a lot of farmers, the people who are actually out there working the land, raising the food that feeds our country and a good part of the world, who are depending upon the Senate to act.

We have heard from farm organizations, as I am sure most Senators have, about the importance of getting this farm bill passed so they know what the policies are going to be, what the rules are going to be, what the programs are going to be as they begin to make decisions about the 2008 planting season.

As I have listened to all the debate as it has gone back and forth, I have heard a lot of my colleagues, and my colleague from Colorado who is a valued member of the Ag Committee—we worked closely on the renewable energy provisions in the bill, and I think we produced a very good bill out of the Ag Committee.

But there are 21 of us, 21 Senators on the Ag Committee, 21 members out of 100 Senators who serve on the Senate Ag Committee. We came out with a bill that we think makes a lot of sense. It was a balanced bill. It addressed the important issue of providing support for production agriculture for our farmers. It had a good strong conservation title that extends and expands in some ways the Conservation Reserve Program, the Wetlands Reserve Program, the Grassland Reserve Program, a number of conservation programs that are important to the way we manage our lands in this country and provide good environmental stewardship.

It had, of course, a good strong energy title which I worked on a lot, along with a number of my colleagues on the committee, including the Senator from Colorado and the Senator from Nebraska, Mr. NELSON.

We put together what I think is a good, strong energy title that provides incentives for cellulosic ethanol production. It also had a disaster title, something that we have not had for some time in the farm bill, that provides a backstop against those years when you have weather-related disasters and we have had to come to the Congress and try to get political support for disaster relief.

Oftentimes it has been problematic there. This puts in place a contingency fund, an emergency fund, for those years in which our producers are not able to raise a crop for some reason, in most cases because of the weather.

It has, of course, as my colleague from Colorado mentioned, about 67 percent of the money in the bill going into the nutrition title, which funds many of the programs that help people across the country, whether that is the Food Stamp Program, a WIC program, all of those programs that provide support and food for people who need it.

So it is, as we would say, a balanced bill, a bill that was debated back and forth. There were a lot of amendments offered. We spent a day and a half in the markup. But as I said, what is important to note about that is there are only 21 Members of the Senate on the Senate Ag Committee. That means there are 79 Members of this body who have not had any input in this process up to this point.

Well, when the bill was brought to the floor last week on Monday, which is now 9, going on 10 days ago, the assumption was at that point those Members of the Senate who have not served as members of the Ag Committee may have a chance to get their priorities addressed in this farm bill, to offer amendments they think can improve it.

In many cases a farm bill reflects regional priorities. Different people around the country look at these issues very differently. It obviously has a national priority as well. But I think it is fair to say that a lot of Members of the Senate would want to come down here and offer amendments.

In fact, a number of amendments were filed, some 200-plus, almost 300 amendments. Now I, for one, would like to see an agreement reached between our leaders that would end this bickering and this standoff and get us to where we can process some of these amendments and get them voted on so that we can move toward final consideration of this bill, which I noted earlier is so important to farmers across this country.

But what happened very early on in that process was the leader, the majority leader, did what they in Washington in the Senate called ''filling the tree.'' By that, for those who are not familiar with Washington speak, it essentially means it prevents others from offering amendments. All of the amendments that can be offered have been offered. The leader filled the tree and for the past 9 days now has precluded the opportunity for other Members of the Senate, those other 79 Members of the Senate who do not serve on the Ag Committee, to be able to come down and offer amendments they think would ultimately improve the bill.

What is significant about that is it is not unprecedented. It has been done. They said it was done when the Republicans controlled the Senate. I am sure it was—I do not believe very successfully because I do not think it is a tactic or a procedure that lends itself to the nature of this institution or how it works. The Senate is unique in all the world. It is the world's greatest deliberative body. We really value the opportunity to come and amend the bill that is brought to the floor of the Senate, which is generally open to amendment.

So when the tree gets filled and amendments are blocked from consideration, it essentially shuts down the process that the Senate normally uses to consider and amend bills and ultimately vote on bills.

So where are we today? We are almost 2 weeks into this now, and we have yet to vote on a single amendment. We have not had one vote on an amendment to the farm bill after now having it on the floor for almost 2 weeks.

I have to say, for those who would like to offer amendments and have those amendments voted on, it has been very frustrating. My own view is that we are not going to be able to debate 200 or 300 amendments, but we ought to be able to narrow that down, and our leaders could go about that process. But you cannot even do that when the tree is filled. You cannot even consider and vote on any amendments.

So here we are. A farm bill is something that we do every 5 or 6 years in the Congress. I was associated with the last one in 2002 as a Member of the House of Representatives, a member of the Ag Committee. In that particular bill, which was 5 years ago, we set policies that carried us to the end of the fiscal year 2007, which ended on September 30 of this year. And we now

need a new policy to carry us forward to the year 2012.

So the point is, this is something we do every 5 years. This is a significant and consequential event when it comes to the Congress and the policies that it puts in place with regard to agriculture in this country that our farmers use as the framework or the guideline to make their decisions.

So when you do something every 5 or 6 years, the assumption normally is that you are going to want to do it right. I think we did do it right. I think we produced a bill out of the Ag Committee that, as I said, is very solid, very balanced. But I have a lot of colleagues who would like to have their voices heard in this process, offer amendments that they think would improve the bill.

So where are we today after 2 weeks, after having debated this bill on the Senate floor, or at least talked about it? We have not taken any action. I think it is a real disservice to the farmers of this country and to our rural economy, those rural communities that depend upon agriculture for their livelihood, that we have failed to act because the leadership, the Democratic leader, decided when he called up the bill to fill the amendment tree so that amendments could not be considered.

Two weeks on the bill, we have yet to vote on a single amendment on a piece of legislation that is 1,600 pages long and spends 280 billion tax dollars over the course of the next 5 years. Not one amendment has been voted on.

Now, just to put it in perspective and provide a little bit of a framework for previous farm bills, as I said, I was associated with the farm bill in 2002 as a Member of the House of Representatives. During debate of the 2002 farm bill, there were 246 amendments that were filed. Democrats and Republicans came together and voted on 49 of those amendments, including 25 rollcall votes in the Senate.

Before that, if you go back to the 1996 farm bill, there were 339 amendments offered to that farm bill. In 1996, the Republican leadership—at that time it was under the control of the Republicans—allowed 26 amendment votes, including 11 of those being rollcall votes.

During consideration of the 1990 farm bill, there were 113 votes, including 22 rollcall votes. And, finally, if you go all the way back to 1985—I was actually a staffer here at that time—there were 88 votes, 33 of which were rollcall votes. So 33 rollcall votes in 1985, 22 rollcall votes in 1990, out of a total of 130 votes taken.

As I said, in 1996 there were 26 amendment votes, including 11 rollcalls. And in the 2002 farm bill, there were 49 amendments offered and voted on, I should say, including 25 of those being decided by a rollcall vote.

My point, very simply, is, it is unprecedented what is happening with regard to the farm legislation, to a farm bill that has these kind of consequences, this kind of cost, and this importance to the Nation's farm economy. I would hope that as this moves forward, and when the Senate—I use that term loosely because it is not moving forward; we are not getting anything done. It is a great frustration to many of us who worked hard to produce a bill, to get it to the floor of the Senate.

But I do not think you can take a piece of legislation of this consequence and try and ram it through without even allowing a vote on a single amendment. We have been here for 2 weeks. We have not voted on one single amendment.

I understand that the majority leader wants to limit the number of amendments. That is why he filled the tree. He essentially wants to decide which amendments are germane and which amendments are relevant. Normally, that is a decision that is made by the Parliamentarian. But what he has said is: I want to choose for my side, for the Democratic side, as well as for the Republican side, which amendments we consider, if any, and essentially approve those, which completely undermines, as I said, the basic premise of the Senate, which is when a bill is brought to the floor, those bills are open to amendment.

That has been the practice here for a good long time. It certainly has been the case on previous farm bills going back, as the numbers I just reported say, going back to 1985.

I say all of that to, as I said, take a little assessment, back off a little bit from all the rhetoric that we heard on the floor today. I would like to see us be able to work on it in a bipartisan way because, traditionally, historically, agriculture in the Senate and in the Congress generally has not been a partisan issue.

There are divisions that occur in agriculture but generally along regional lines. Those of us who represent the upper Midwest have slightly different priorities when it comes to a farm bill than those who represent the South or the West. You have special crop groups. You have your sort of base commodities—your corn, your wheat, soybeans, livestock, the things that we raise and grow in the upper Midwest. You have dairy and sugar.

We have dairy, sugar, lots of competing interests, all which play out in a debate over a farm bill. But what is regrettable about that in this particular case is that we are seeing what appears to be for the first time partisan gridlock over whether Members of the Senate, the 79 Members who are not members of the Ag Committee, will have an opportunity, as they traditionally do, to come forward to offer amendments they think will improve the bill. I express my frustration and the frustration of those farmers I represent. The organizations that have been in contact with my office are urging us to get on with this. I would love to be able to do that.

I have an amendment that has been filed that is very important to the bill. It improves the energy title of the bill. We came out with a bill that was a good product. I was pleased and happy with what we produced from the committee. But when it came to the floor, it became clear to me we could improve upon that by adding an amendment, a renewable fuels standard that would further strengthen the energy title of the bill. It became even more important when we started to look at what is going to happen next year in 2008, if we don't increase the cap on the renewable fuels standard, the 7.5 billion gallon cap in the renewable fuels standard today. We will reach that by the end of this year. So we have 2008, where we will be past the 7.5 billion gallons, and at that point there is very little incentive for oil companies to continue to blend ethanol. We need to get the statutory cap raised so we are at 8.5 billion gallons next year, and those who want to make investments in this industry will feel confident that there is going to be a new renewable fuels standard that increases the level of renewable fuels, something which I believe every Member of this body supports.

I believe when you are looking at $100 oil and looking at our dependence upon foreign countries for energy supply, it makes enormous sense to do everything we can to come up with homegrown, domestic sources of energy and supplies. I would hope that amendment will be able to be voted on at some point. But at this point we are shut down. We are locked down. That is unfortunate. My hope would be we can move very quickly in the days we have ahead of us this year—I hope by tomorrow—to achieve some understanding or agreement about how we will proceed to come to a final vote. I hope the majority leader will decide in the end to move away from the practice he has adopted on this bill of filling the tree and preventing amendments from being offered so we can get to what the Senate does, and that is consider, deliberate, vote on amendments, take a piece of legislation, allow those 79 Members of the Senate who are not members of the Senate Ag Committee to be heard in the process and to have their opportunities to improve the bill to their liking and according to the priorities their constituents want to see addressed.

I hope as we come back tomorrow we will be able to make more headway on this issue.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:30 a.m. on Friday, November 16, 2007.

Thereupon, the Senate, at 7:58 p.m., adjourned until Friday, November 16, 2007, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

CRAIG W. DUEHRING, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ.

DEPARTMENT OF THE TREASURY

NEEL T. KASHKARI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY. (NEW POSITION)

REFORM BOARD (AMTRAK)

THOMAS C. CARPER, OF ILLINOIS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE SYLVIA DE LEON, TERM EXPIRED.

NANCY A. NAPLES, OF NEW YORK, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE ENRIQUE J. SOSA, RESIGNED.

DENVER STUTLER, JR., OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE DAVID MCQUEEN LANEY, TERM EXPIRING.

DEPARTMENT OF THE TREASURY

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE HAROLD DAMELIN, RESIGNED.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ANA M. GUEVARA, OF FLORIDA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE JENNIFER L. DORN, TERM EXPIRED.

DEPARTMENT OF STATE

GOLI AMERI, OF OREGON, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE DINA HABIB POWELL.

DEPARTMENT OF EDUCATION

TRACY RALPH JUSTESEN, OF UTAH, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE JOHN H. HAGER, RESIGNED.

DEPARTMENT OF JUSTICE

NATHAN J. HOCHMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE EILEEN J. O'CONNOR.

GRACE C. BECKER, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WAN J. KIM.

DEPARTMENT OF VETERANS AFFAIRS

JAMES B. PEAKE, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF VETERANS AFFAIRS, VICE JIM NICHOLSON, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

DAMON L. BENTLEY, 0000

To be lieutenant

SEAN C. BENNETT, 0000
ANGELIQUE FLOOD, 0000
TANYA C. SAUNDERS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

WILLIAM E. ACKERMAN, 0000
MICHAEL L. AMARAL, 0000
SCOTT B. AVERY, 0000
JOSE L. BAEZ, 0000
KELLEY M. BARHAM, 0000
DACOSTA E. BARROW, 0000
ROBERT A. BOWDEN, 0000
PETER T. BULATAO, 0000
ROLANDO CASTRO, JR., 0000
ALLISON P. CLARK III, 0000
RUSSELL E. COLEMAN, 0000
PATRICIA DARNAUER, 0000
DEBRA L. DUNIVIN, 0000
RALPH A. FRANCO, JR., 0000
DANIEL W. GALL, 0000
KATHY E. GATES, 0000
RICARDO A. GLENN, 0000
ROBERT L. GOODMAN, 0000
WILLIAM B. GRIMES, 0000
STEVE HOROSKO III, 0000
DANIEL H. JIMENEZ, 0000
DANIEL J. JONES, 0000
MICHAEL L. KIEFER, 0000
GUY T. KIYOKAWA, 0000
RICHARD G. LOONEY, 0000
PETER T. MCHUGH, 0000
ROBERT D. MITCHELL, 0000
DAVID R. PETRAY, 0000
LESLIE J. PIERCE, 0000
JOEL T. POSTMA, 0000
FRANCISCO J. RENTAS, 0000
MICHAEL J. ROGERS, 0000
PATRICK G. SESTO, 0000
JAMES E. SHIELDS, 0000
STUART W. SMYTHE, JR., 0000
CARLHEINZ W. STOKES, 0000
JEFFREY P. STOLROW, 0000
GREGORY A. SWANSON, 0000
CHERYL TAYLORWHITEHEAD, 0000
MARK A. VAITKUS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

RACHEL A. ARMSTRONG, 0000
LORIE A. BROWN, 0000
THOMAS H. CHAPMAN, JR., 0000
ANNA I. CORULLI, 0000
LAWRENCE E. CROZIER, 0000
FLAVIA D. DIAZHAYS, 0000
STEVEN R. DRENNAN, 0000
KATHLEEN M. FORD, 0000
PETRA GOODMAN, 0000
VINETTE E. GORDON, 0000
KAREN T. GRACE, 0000
TONY B. HALSTEAD, 0000
ANGELENE HEMINGWAY, 0000
MARK E. HODGES, 0000
BARBARA R. HOLCOMB, 0000
SHERI A. HOWELL, 0000
CAPONERA P. KREKLAU, 0000
JUDITH A. LEE, 0000
GLORIA R. LONG, 0000
REYNOLD L. MOSIER, 0000
SUSAN M. RAYMOND, 0000
VERONICA A. THURMOND, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

VIVIAN T. HUTSON, 0000
PEGGY P. JONES, 0000
LEO H. MAHONY, JR., 0000
ROBERT L. MATEKEL, 0000
JOSEPH M. MOLLOY, 0000
LAURIE E. SWEET, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GARY D. COLEMAN, 0000
BRADFORD W. HILDABRAND, 0000
JOLYNNE W. RAYMOND, 0000
DANA P. SCOTT, 0000
TIMOTHY H. STEVENSON, 0000
ERIK H. TORRING III, 0000
PAUL E. WHIPPO, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LILLIAN L. LANDRIGAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

HORACE E. GILCHRIST, 0000

THE JUDICIARY

ROD J. ROSENSTEIN, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

GENE E. K. PRATTER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE FRANKLIN S. VAN ANTWERPEN, RETIRED.

LINCOLN D. ALMOND, OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND, VICE ERNEST C. TORRES, RETIRED.

MARK S. DAVIS, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE T. S. ELLIS, III, RETIRED.

DAVID GREGORY KAYS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE DEAN WHIPPLE, RETIRED.

DAVID J. NOVAK, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE ROBERT E. PAYNE, RETIRED.

CAROLYN P. SHORT, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE GENE E. K. PRATTER, UPON ELEVATION.

RICHARD T. MORRISON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE CAROLYN MILLER PARR, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JOSEPH P. RUSSONIELLO, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE KEVIN VINCENT RYAN.

DIANE J. HUMETEWA, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE PAUL. K. CHARLTON, RESIGNED.

REBECCA A. GREGORY, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE MATTHEW D. ORWIG, RESIGNED.

GREGORY A. BROWER, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE DANIEL G. BOGDEN, RESIGNED.

EDMUND A. BOOTH, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE LISA GODBEY WOOD, RESIGNED.

MICHAEL G. MCGINN, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE ALLEN GARBER, RETIRED.

REED VERNE HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE ANTHONY DICHIO.

WILLIAM JOSEPH HAWE, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE ERIC EUGENE ROBERTSON, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ROGER A. BRADY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD Y. NEWTON III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WALTER D. GIVHAN, 0000

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

*TODD J. ZINSER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 15, 2007:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH MICHAEL S. GALLAGHER AND ENDING WITH MARK K. FRYDRYCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2007.