

regime on July 4, 2006, and this was confirmed by Ambassador Christopher Hill, Assistant Secretary of State for East Asia and the Pacific, during testimony before the Committee on Foreign Relations of the Senate on July 20, 2006;

Whereas international press reports in the summer of 2006 indicated that North Korea was involved in training in guerrilla warfare of Hezbollah cadres who subsequently were involved in operations against Israeli forces in south Lebanon;

Whereas the United Nations Security Council, under the presidency of Japan, unanimously adopted Resolution 1718 on October 14, 2006, "condemning" the nuclear weapon test conducted by North Korea on October 9, 2006, and imposing sanctions on North Korea;

Whereas President George W. Bush stated in November 2006 that: "The transfer of nuclear weapons or material by North Korea to states or non-state entities would be considered a grave threat to the United States, and we would hold North Korea fully accountable for the consequences of such action. . . . It is vital that the nations of this region send a message to North Korea that the proliferation of nuclear technology to hostile regimes or terrorist networks will not be tolerated.";

Whereas Secretary of State Condoleezza Rice stated in October 2006 that "a North Korean decision to try to transfer a nuclear weapon or technologies either to another state or to a non-state actor" would be an "extremely grave" action for which the United States would "hold North Korea accountable"; and

Whereas Congress authoritatively expressed its view, in section 202(b)(2) of the North Korean Human Rights Act of 2004 (Public Law 108-333; 22 U.S.C. 7832(b)(2)), that "United States nonhumanitarian assistance to North Korea shall be contingent on North Korea's substantial progress" on human rights improvements, release of and accounting for abductees, family reunification, reform of North Korea's labor camp system, and the decriminalization of political expression, none of which has occurred: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that restrictions against the Government of North Korea were imposed by reason of a determination of the Secretary of State that the Government of North Korea, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. App. 2405(j)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), and other provisions of law, was a government that has repeatedly provided support for acts of international terrorism;

(2) believes that this designation should remain in effect and should not be lifted unless it can be demonstrated that the Government of North Korea—

(A) is no longer engaged in the illegal transfer of missile or nuclear, biological, or chemical weapons technology, particularly to the Governments of Iran, Syria, or any other country, the government of which the Secretary of State has determined, for purposes of any of the provisions of law specified in paragraph (1), is a government that has repeatedly provided support for acts of international terrorism;

(B) is no longer engaged in training, harboring, supplying, financing, or supporting in any way—

(i) Hamas, Hezbollah, or the Japanese Red Army, or any member of such organizations;

(ii) any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a)

of the Immigration and Nationality Act (8 U.S.C. 1189(a)); and

(iii) any person included on the Annex to Executive Order 13224 (September 23, 2001) and any other person identified under section 1 of that Executive Order whose property and interests in property are blocked by that section (commonly known as a "specially designated global terrorist");

(C) is no longer engaged in the counterfeiting of United States currency "supernotes";

(D) has made inoperable Bureau No. 39 under the North Korean Workers Party headed by Kim Jong Il, which is charged with laundering illicit funds obtained by narcotics trafficking and other criminal activities;

(E) has released United States permanent resident Kim Dong-Shik who, according to the findings of a South Korean court, was abducted by North Korean agents on the Chinese border in January 2000;

(F) has released or fully accounted to the satisfaction of the Government of the United States and the Government of the Republic of Korea for the whereabouts of the 15 Japanese nationals recognized as abduction victims by the National Police Agency (NPA) of Japan;

(G) has released or fully accounted to the satisfaction of the Government of the United States and the Government of the Republic of Korea for the whereabouts of an estimated 600 surviving South Korean prisoners of war, comrades-in-arms of United States and Allied forces, who have been held in North Korea against their will and in violation of the Armistice Agreement since hostilities ended in July 1953; and

(H) has ceased and desisted from engaging in further terrorist activities subsequent to the 1987 bombing of Korean Air Flight 858 over Burma, the 1996 murder in Vladivostok, Russia, of South Korean diplomat Choi Duck-keun, following Pyongyang's threats of retaliation for the deaths of North Korean commandoes whose submarine ran aground in South Korea, and the 1997 assassination on the streets of Seoul of North Korean defector Lee Han Young; and

(3) believes that the United States Government should not provide any financial assistance to North Korea (except for adequately monitored humanitarian assistance in the form of food and medicine) unless the Secretary of State certifies that—

(A) appropriate guidance has been provided to all foreign embassies and consular offices regarding their responsibility under section 303 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7843) to facilitate the submission of applications by citizens of North Korea seeking protection as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157);

(B) such guidance has been published in the Federal Register; and

(C) the facilities described in subparagraph (A) are carrying out the responsibility described in subparagraph (A) in good faith.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3821. Mr. THUNE (for Mr. McCONNELL) proposed an amendment 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.

SA 3822. Mr. THUNE (for Mr. GREGG) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3823. Mr. THUNE (for Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. HARKIN)) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

#### TEXT OF AMENDMENTS

**SA 3821.** Mr. THUNE (for Mr. McCONNELL) proposed an amendment 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; as follows:

On page 20, line 11, strike "pulse crops,".

On page 23, strike paragraph (14) and redesignate paragraphs (15) through (17) as paragraphs (14) through (16), respectively.

On page 24, line 18, strike "pulse crop or".

On page 26, line 6, strike "pulse crop or".

On page 27, line 17, strike "camelina, or eligible pulse crop" and insert "or camelina".

On page 27, lines 21 and 22, strike "CAMELINA, AND ELIGIBLE PULSE CROPS" and insert "AND CAMELINA".

On page 27, lines 24 and 25, strike "camelina, and eligible pulse crops" and insert "and camelina".

On page 28, line 2, strike "camelina, or pulse crop" and insert "or camelina".

On page 28, line 5, strike "camelina, or pulse crop" and insert "or camelina".

On page 28, lines 8 and 9, strike "camelina, or eligible pulse crop" and insert "or camelina".

Beginning on page 28, line 12, through page 29, line 9, strike "camelina, or pulse crop" each place it appears and insert "or camelina".

On page 29, lines 15 through 19, strike "camelina, and eligible pulse crops" each place it appears and insert "and camelina".

On page 29, line 24, strike "(other than pulse crops)".

On page 35, strike lines 8 through 13.

Beginning on page 49, strike line 19 and all that follows through page 51, line 4, and insert the following:

(a) **LOAN RATES.**—For each of the 2008 through 2012 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, \$2.75 per bushel.

(2) In the case of corn, \$1.95 per bushel.

(3) In the case of grain sorghum, \$1.95 per bushel.

(4) In the case of barley, \$1.85 per bushel.

(5) In the case of oats, \$1.33 per bushel.

(6) In the case of the base quality of upland cotton, \$0.52 per pound.

(7) In the case of extra long staple cotton, \$0.7977 per pound.

(8) In the case of long grain rice, \$6.50 per hundredweight.

(9) In the case of medium grain rice, \$6.50 per hundredweight.

(10) In the case of soybeans, \$5.00 per bushel.

(11) In the case of other oilseeds, \$0.930 per pound.

(12) In the case of dry peas, \$5.40 per hundredweight.

(13) In the case of lentils, \$11.28 per hundredweight.

(14) In the case of small chickpeas, \$7.43 per hundredweight.

(15) In the case of large chickpeas, \$11.28 per hundredweight.

(16) In the case of graded wool, \$1.00 per pound.

(17) In the case of nongraded wool, \$0.40 per pound.

(18) In the case of mohair, \$4.20 per pound.  
 (19) In the case of honey, \$0.60 per pound.  
 On page 85, line 4, strike "pulse crop or".  
 On page 86, line 18, strike "pulse crop or".  
 On page 663, between lines 18 and 19, insert the following:

**SEC. 49 . PERIODIC SURVEYS OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.**

Section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) is amended by adding at the end the following:  
 "(f) PERIODIC SURVEYS OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.—

"(1) IN GENERAL.—For fiscal year 2008 and every fifth fiscal year thereafter, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the national school lunch program.

"(2) REPORT.—On completion of each survey, the Secretary shall submit to Congress a report that describes the results of the survey.

"(3) FUNDING.—Of the funds made available under section 3, the Secretary shall use to carry out this subsection not more than \$3,000,000 for fiscal year 2008 and every fifth fiscal year thereafter."

On page 672, between lines 6 and 7, insert the following:

**SEC. 49 . TEAM NUTRITION NETWORK.**

Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended by striking subsection (l) and inserting the following:

"(1) FUNDING.—

"(1) MANDATORY FUNDING.—

"(A) IN GENERAL.—On October 1, 2008, and on each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$25,000,000, to remain available until expended.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

"(C) NUTRITIONAL HEALTH OF SCHOOL CHILDREN.—In allocating funds made available under this paragraph, the Secretary shall give priority to carrying out subsections (a) through (g).

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section."

**SA 3822.** Mr. THUNE (for Mr. GREGG) proposed an amendment 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; as follows:

Strike subtitle A of title XII and insert the following:

**Subtitle A—Low-Income Home Energy Assistance**

**SEC. 12101. APPROPRIATIONS.**

In addition to any amounts appropriated under any other Federal law, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2008, \$924,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

**SEC. 12102. DEFICIT REDUCTION.**

It is the sense of Congress that the difference between—

(1) the amount that would be made available under subtitle A of title XII (as specified in Senate amendment 3500, as proposed on November 5, 2007, to H.R. 2419, 110th Congress); and

(2) the amount made available under section 12101,

should be used only for deficit reduction.

**SA 3823.** Mr. THUNE (for Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. HARKIN)) proposed an amendment 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; as follows:

On page 1220, between lines 11 and 12, insert the following:

(c) 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 (e)(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 DEVICES.**—The Task Force may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Task Force. Gifts, bequests, or devices of money and proceeds from sales of other property received as gifts, bequests, or devices 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.

(d) **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.

(e) **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 large 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 (c)(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 (c)(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.

(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.

(h) 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 (c).

#### PRIVILEGES OF THE FLOOR

Ms. STABENOW. Mr. President, I ask unanimous consent that Ilana Levinson from my staff be afforded floor privileges for the duration of the farm bill.

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

#### HONORING THE LATE JOE NUXHALL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 398 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 398) honoring the life and recognizing the accomplishments of Joe Nuxhall, broadcaster for the Cincinnati Reds.

There being no objection, the Senate proceeded to consider the 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, and that any statements be printed in the RECORD without intervening action or debate.

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

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 398

Whereas Joe Nuxhall was born on July 30th, 1928 in Hamilton, Ohio.

Whereas on June 10th, 1944 at the age of 15 years, 10 months, and 11 days Joe Nuxhall became the youngest player in the modern era to appear in a major league baseball game.

Whereas Joe Nuxhall earned over 100 victories in his sixteen year major league career and was elected into the Cincinnati Reds Hall of Fame.

Whereas Joe Nuxhall began a radio broadcasting career in 1967 and went on to call over 6,000 games for the Cincinnati Reds.

Whereas Joe Nuxhall had a career spanning over sixty years with the Cincinnati Reds.

Whereas Joe Nuxhall will be remembered for his signature signoff, “This is the Ol’ Lefthander rounding third and heading for home.”

Whereas Joe Nuxhall whose voice was synonymous with baseball and the summer for generations of fans across the country.

Whereas Joe Nuxhall was a beloved community leader, philanthropist, husband, father, and advocate for children, public schools, and the elderly.

Whereas Ohio has lost a beloved son and baseball one of its most distinctive voices

with the passing of Joe Nuxhall on November 15, 2007.

Resolved, That the Senate honors the life of Joe Nuxhall, baseball legend, dedicated family man, and civic-minded leader.

#### MEASURES READ THE FIRST TIME—S. 2436, S. 2440, AND S. 2441

Mr. SALAZAR. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

A bill (S. 2440) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

A bill (S. 2441) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Mr. SALAZAR. Mr. President, I now ask for a second reading en bloc and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

#### ORDERS FOR TUESDAY, DECEMBER 11, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, December 11; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with time equally divided and controlled between the two leaders or their designees; and Senators permitted to speak therein for up to 10 minutes, with the first half under the control of the Republicans and the final half under the control of the majority; that at the close of morning business, the Senate then resume consideration of H.R. 2419.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Tuesday, December 11, at 10 a.m.