

ensuring our children have access to quality health care.

The record is clear. Democrats wants to cover kids; Republicans don't.

THE FARM BILL

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, later this morning the House will take up the farm bill, H.R. 2419, and let me just share a couple of quotes, one from the American Farm Bureau:

"The farm bill is one of our highest priorities. We understand there may be a motion to recommit the bill back to the House Committee on Agriculture. We urge you to oppose this amendment. Without the additional almost \$4 billion in offsets, we cannot adequately fund the nutrition needs in the farm bill." This is signed by the president of the American Farm Bureau Federation.

And from 24 different commodity groups that affect labor and commodities in America:

"Dear Members of Congress, we support both the underlying farm bill and the additional nutrition spending which gives rise to the need for an offset. For that reason we appreciate the efforts of Members of Congress who have attempted to identify that offset and we would encourage those who are concerned about the offset identified by the Committee on Ways and Means to support H.R. 2419 despite those concerns.

"In any event, we urge the House to move expeditiously to pass H.R. 2419. We remain hopeful that the long congressional tradition of passing farm bills on a bipartisan fashion will not be broken." And it is signed by 24 groups from the American Soybean Association through the U.S. Rice Producers Association.

- American Soybean Association
- American Sugar Alliance
- Arkansas Rice Growers Association
- Missouri Rice Research and Merchandising Council
- National Association of Wheat Growers
- National Barley Growers Association
- National Cotton Council
- National Farmers Organization
- National Farmers Union
- National Sorghum Producers
- National Sunflower Association
- North Carolina Peanut Growers Association
- Oklahoma Peanut Commission
- Panhandle Peanut Growers Association
- South Carolina Peanut Growers Association
- Southern Peanut Farmers Federation
- Texas Peanut Producers Association
- Texas Peanut Producers Board
- Western Peanut Growers
- United Egg Producers
- USA Dry Pea & Lentil Council
- USA Rice Federation
- US Canola Association
- US Rice Producers Association

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 574 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2419.

□ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, with Mr. SCHIFF (Acting Chairman) in the chair.

The Clerk read the title of the bill. The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, July 26, 2007, amendments numbered 1 and 2 printed in House Report 110-261, as well as certain amendments en bloc, had been disposed of.

AMENDMENT NO. 3 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-261.

Mr. GOODLATTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GOODLATTE:

At the end of subtitle A of title II (conservation), add the following new section:

SEC. 2409. COMMON EASEMENT AUTHORITIES.

(a) IN GENERAL.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3801) the following new section:

"SEC. 1230A. COMMON EASEMENT AUTHORITIES.

"(a) IN GENERAL.—

"(1) PROGRAM.—In this section the term 'program' means the applicable program described in paragraph (2).

"(2) APPLICABILITY.—This section shall apply to the terms and conditions of all easements purchased under authorities of this subtitle:

"(A) The wetlands reserve program under subchapter C.

"(B) The farmland protection program under subchapter B of Chapter 2.

"(C) The grassland reserve program under subchapter C of Chapter 2.

"(D) The healthy forests reserve program, sections 501-508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571-6578).

"(3) ENROLLMENT.—The Secretary may either directly, or through an eligible entity, obtain an interest in eligible land through—

"(A) a 30-year or permanent easement; or

"(B) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

"(4) HOLDER OF EASEMENT TITLE.—The title holder of an easement obtained under one of the programs described in paragraph (2), in addition to the Secretary, or in lieu of the Secretary, may be an eligible entity.

"(5) ESTABLISHING EASEMENT.—To become eligible to enroll land in the program through an easement, the landowner or eligible entity, as applicable, shall—

"(A) create and record an appropriate deed restriction in accordance with applicable State law;

"(B) provide proof of unencumbered title to the underlying fee interest in the land that is subject of the easement;

"(C) grant the easement to either the Secretary or an eligible entity;

"(D) comply with the terms of the easement and any restoration agreement; and

"(E) explicitly consent in writing to granting a security interest in the land to either the Secretary or an eligible entity.

"(6) WETLANDS RESERVE PROGRAM DEEDS.—A deed used to record an easement under the wetlands reserve program in subchapter C shall provide for sufficient protection of the functions and values of the wetland or floodplain, as determined by the Secretary.

"(7) DEED FOR OTHER EASEMENT PROGRAMS.—A deed used to record an easement under all programs described in paragraph (2) other than the wetlands reserve program shall be in the form of a negative restrictive deed that—

"(A) is in a format prescribed by the Secretary;

"(B) details the rights obtained by the easement; and

"(C) allows for specific uses of the land, if the use is consistent with the long-term protection of the purposes for which the easement was established.

"(8) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary may accept and use contributions of non-Federal funds to carry out the administration or purpose the program.

"(9) MODIFICATION, TRANSFER, OR TERMINATION OF EASEMENT.—

"(A) MODIFICATION.—The Secretary may modify an easement acquired from, or a related agreement with, an owner or eligible entity under one of the programs described under paragraph (2) if—

"(i) the parties involved with the easement on the land agree to such modification; and

"(ii) the Secretary determines that such modification is desirable—

"(I) to carry out the program;

"(II) to facilitate administration of the program; or

"(III) to achieve such other goals as the Secretary determines are appropriate.

"(B) TITLE TRANSFER.—The Secretary may transfer title of ownership of an easement to an eligible entity to hold and enforce, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

"(i) the Secretary determines that granting the transfer would promote the protection of eligible land;

"(ii) the owner authorizes the eligible entity to hold and enforce the easement;

"(iii) the eligible entity assuming the title agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity; and

"(iv) the eligible entity, except for an eligible entity under section 1238H(a)(1), has a commitment to protect the conservation purpose of the easement and has the resources to enforce the easement.

"(C) TERMINATION.—The Secretary may terminate an easement if—

"(i) the parties involved with such easement agree to such termination; and

"(ii) the Secretary determines that such termination would be in the public interest.

"(10) VIOLATION.—Upon the violation of the terms or conditions of an easement or other agreement entered into under this section—

"(A) the easement shall remain in force; and

"(B) the Secretary may require the owner to refund all or part of any payments received by the owner under the program, with interest on the payments as determined appropriate by the Secretary.

"(b) EASEMENTS HELD BY SECRETARY.—

“(1) PERMANENT EASEMENT VALUATION.—In return for the granting of a permanent easement or an easement for the maximum duration allowed under applicable State law by a landowner under one of the programs described in subsection (a)(2), the Secretary shall make payments to the landowner as authorized under subparagraphs (A) and (B).

“(A) VALUATION METHODS.—The method of valuation shall be determined under the specific program involved.

“(B) COST OF RESTORATION.—The Secretary shall tender a monetary amount to the landowner that is not greater than an amount corresponding to 100 percent of the eligible costs of restoration.

“(2) 30 YEAR EASEMENT VALUATION.—In return for granting a 30 year easement by a landowner, the Secretary shall make payments to the landowner in an amount equal to—

“(A) not more than 75 percent of the amount that would apply in paragraph (1)(A); and

“(B) not more than 75 percent of the eligible costs of restoration.

“(3) MONETARY DONATION.—A private landowner may make a monetary donation equivalent to any amount of the actual value of the easement.

“(c) EASEMENTS ACQUIRED THROUGH ELIGIBLE ENTITIES.—

“(1) EASEMENT HELD BY ELIGIBLE ENTITY.—The Secretary shall offer the opportunity to eligible entities to enter into agreements for the purposes of purchasing and holding easements for eligible lands in the program.

“(2) EASEMENT VALUATION.—When enrolling eligible land through an eligible entity, the share of the cost of the Secretary to purchase a conservation easement or other interest in eligible land shall not exceed 50 percent of the fair market value based on an appraisal of the conservation easement, using an industry approved methodology determined by the entity.

“(3) PAYMENTS; DONATIONS.—

“(A) LANDOWNER.—A private landowner may make a monetary donation of up to 25 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

“(B) ELIGIBLE ENTITY.—An eligible entity shall make a monetary payment of at least 25 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

“(4) TYPE OF DEED.—An eligible entity obtaining an easement under this subtitle shall use a negative restrictive deed that provides for—

“(A) rights of all parties subject to the easement;

“(B) permissible uses of the land, if the use is consistent with the purposes for which the easement was established; and

“(C) terms and conditions of the eligible entity such as purposes and administration of the easement, if the Secretary finds that the terms and conditions are—

“(i) consistent with the purposes of the program; and

“(ii) provide for effective enforcement of the conservation purposes of the conservation easement.

“(d) FEDERAL CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary may require the inclusion of a Federal contingent right of enforcement or executory limitation in a conservation easement or other interest in land for conservation purposes purchased with Federal funds provided under the program, in order to preserve the easement as a party of last resort. The inclusion of such a right or interest shall not be considered to be the Federal acquisition of real property and the Federal standards and procedures for land

acquisition shall not apply to the inclusion of the right or interest.”

(b) CONFORMING AMENDMENTS.—The following provisions of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) are repealed:

(1) Subsections (c) through (g) of section 1237A.

(2) Section 1237C(b)(2).

(3) Section 1237E.

(4) Subsections (a)(1), (d), and (e) of section 1238O.

(5) Subsections (a)(2), (b)(1), and (c) of section 1238P.

(6) Section 1238Q.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, my amendment streamlines and adopts one set of terms and conditions for easements for the Wetlands Reserve Program, the Grasslands Reserve Program, the Farmland and Ranchland Protection Program, and the Healthy Forest Reserve Program. This greatly simplifies the process for the Department to purchase easements, while leaving functions of the programs intact. It allows for one set of rules on titleholders, establishment of easements, type of deeds, acceptance of contributions, title transfer and reversionary interest.

This amendment not only helps the Department to reduce inefficiencies which result in administrative costs, but will help producers by simplifying the process of obtaining easements for these programs.

This amendment does not consolidate any program. This simply sets up one set of rules and regulations for easements. Each program has its own application process, sign-up period, and administrative requirements. Countless hours are wasted on administrative work because each easement has its own set of rules.

This amendment makes an effort at streamlining these complex rules and regulations into one set of rules with flexibility that is simple and makes common sense.

Each of these individual programs retains their own mission. These easement programs are implemented through landowners who voluntarily agree to a deed restriction and some landscape and resource restoration. Making the sign-up process for producers easier will allow NRCS to focus on their true mission, which should be to provide technical assistance to producers wanting to implement voluntary conservation methods.

We have taken popular components of the Farmland and Ranchland Protection Program, including the ability of third-party entities to hold easements, and implemented them in a manner that all producers interested in easements will be able to enjoy.

This amendment keeps the funding and missions of each easement program

intact. The amendment even keeps the appraisal method of each program intact.

This is a commonsense amendment, a good government amendment, and a producer-friendly amendment. And I ask for your support.

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

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Chairman, I've been working with the gentleman from Virginia on this issue, and I think he has some good ideas here that we have been working through, but we just aren't at the point where we're comfortable on this side at this point.

If I could engage in a conversation with the gentleman, as he knows, I think that some of the elements of this are something that we should do. It's just, as I said, we're not there yet.

In addition, as you know, I have an interest in looking at this issue of NRCS doing administrative work within their agency. We've been talking about that as well. I still believe that it would be better if we transferred that function over to FSA like they're doing now at CRP.

So if the gentleman would agree, I am very much interested in working with him on this issue. I think we can get something accomplished over the next period of time until we end up in conference with the Senate. So if the gentleman would be willing to withdraw, I will make the commitment that we will work on this in a serious way, because I think we can get something done here.

Mr. GOODLATTE. Will the gentleman yield?

Mr. PETERSON of Minnesota. I would be glad to yield.

Mr. GOODLATTE. I thank the chairman for his comments. He and I have had discussions about this, and I think we are in agreement that there needs to be significant reform of these programs.

As I've shared with the gentleman and others, there are farmers in my district and elsewhere around the country who are very frustrated with signing up for these programs. And, quite frankly, it is counterproductive to have programs that are so complex, that require so much paperwork, that require you to apply in several different places. One farmer, a woman in my district, has done a fantastic job of attempting to utilize these programs, but the frustration, the cost, the amount of time involved discouraged her, as it has discouraged others from even initiating the process to participate. And therefore, I think it's in the interest of the stakeholders, the groups who want to see more of these easements taken up, to make it an easier process. And that includes not only streamlining the definition of easements in this amendment, but looking

at whether some of these programs can be made to work together better.

I appreciate the gentleman's seriousness about undertaking this.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110-261.

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CARDOZA: At the end of subtitle E of title X add the following new section:

SEC. ____ . RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is repealed.

(b) CONFORMING AMENDMENT TO FUNCTIONS OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (g), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date specified in subsection (g), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) (as in effect on the day before such effective date) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall establish within the Animal and Plant Health Inspection Service a program, to be known as the "International Agricultural Inspection Program", under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the "Administrator") shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and

business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the "import and entry agriculture inspector career track program", to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary of Agriculture, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills.

(f) DUTIES OF SECRETARY OF AGRICULTURE.—

(1) OPERATING PROCEDURES AND TRACKING SYSTEM.—The Secretary of Agriculture shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary of Agriculture shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(3) FUNDING.—The Secretary of Agriculture shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service from amounts made available to the Department of Agriculture for the applicable fiscal year.

(g) REPORT.—Not later than one year after the date of the enactment of this Act, and at least annually thereafter, the Secretary shall submit to Congress a report containing an assessment of—

(1) the resource needs for import and entry agricultural inspection, including the number of inspectors required;

(2) the adequacy of—

(A) inspection and monitoring procedures and facilities in the United States; and

(B) the strategic plan developed under subsection (e)(5)(B)(i); and

(3) new and potential technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspection.

(h) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to House Resolution 574, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I understand that the CBO has determined that my amendment violates the PAYGO rules. As such, I would like to engage the chairman of the Agriculture Committee and the chairman of the Homeland Security Committee in a colloquy.

As you both well know, buried within the authorization of the Homeland Security Department was a little-known provision that mandated the Animal and Plant Health Inspection Service's 1,800 agricultural inspectors move from USDA to the newly created Department of Homeland Security Customs and Border Protection Division.

This move was made in order to consolidate custom and border enforcement into one agency, a decision I'm sure was made with all good intentions in mind. However, as the GAO has recently reported, since the transfer of these USDA employees, Customs and Border Protection has not developed sufficient performance measures to take into account the agency's expanded mission or to consider all pathways by which prohibited agricultural items or foreign pests may enter the country.

Mr. Chairman, this deficiency in our border security cannot and should not be tolerated. Stopping foreign pests and prohibited agricultural products from entering the United States might not be as sexy as stopping terrorists, weapons, or drugs, but it is certainly as important.

These are six-legged terrorists, Mr. Chairman, that can wreak havoc on our Nation's agricultural industry, costing billions of taxpayer dollars in eradication efforts and decimate our ability to access new export markets.

I would like your assurances that by withdrawing this amendment I have the commitment from both of you to work with me on this issue.

While I certainly would prefer to see these employees moved immediately back to USDA, where I believe they belong, my greater concern is that wherever they are right now, they must certainly have the tools and resources at their disposal to do their job effectively and efficiently.

I would like to have a hearing on the staffing, training and morale problems that persist within the agency. I also believe that we should direct USDA and the Department of Homeland Security to develop standardized, reputable

training programs that properly identify and assess the major threats posed by foreign agricultural pests and disease.

I believe USDA and Homeland Security should be required to fully and accurately account for all agricultural quarantine inspection fees. But perhaps most importantly, I want this issue to have the attention it deserves from both Agriculture and Homeland Security Committees.

Preventing pest and disease infestation is a paramount concern to all of American agriculture, but primarily to our specialty crop industry. I have vowed to fight for them on this issue and would appreciate your help in ensuring their concerns are met.

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to assure the gentleman from California that, as Chair of the House Homeland Security Committee, I look forward to working with him.

The border issue, from a security standpoint, as you know, is a major issue. Customs and Border Patrol should have more training in this area. I look forward to joint hearings with the Agriculture Committee on this, and subsequent to the findings of those hearings, look forward to strengthening our borders.

I must express my reservations to using the farm bill as a legislative vehicle to transfer agriculture import inspectors from the Department of Homeland Security to the U.S. Department of Agriculture. After the terrorist attacks on September 11, 2001, Congress, in March of 2003 consolidated and transferred critical responsibility for inspections of passenger and agricultural commodities from USDA Animal and Plant Health Inspection Service (APHIS) to the U.S. Department of Homeland Security's (DHS) Customs and Border Protection (CBP).

Since the transfer of APHIS inspectors to DHS, DHS had dedicated considerable resources to enhancing agriculture inspections to protect the nation from economically devastating agricultural pests and diseases. I agree that the Department of Homeland Security, especially Customs and Border Protection, must improve its training.

While DHS has experienced some challenges in implementing this enhanced inspection regime, those challenges are not insurmountable. As a former Agriculture Committee Member and representing many agriculture interests, I am very concerned about any breaches at the border, including foreign pest and prohibited agricultural products.

Though DHS carries out the inspections, USDA maintains the responsibility for establishing the regulations, guidelines, and even the training that govern the import of agricultural products. Thus, it is important to note that the success or failure of the program requires both DHS and USDA coordinated efforts.

Transferring employees at this time would divert attention from the real mission, delay any efforts to identify needed improvements, and set the program back for another several years while yet another readjustment occurs for both USDA and DHS. A far better approach than another disruptive, time-con-

suming transfer of thousands of employees would be for USDA and DHS to commit to conducting a thorough analysis of the program's performance, agree to a specific action plan for improvements, and to set clear and measurable goals.

Mr. Chairman and Mr. CARDOZA, I am committed to working with you on this issue and would like to hold a joint hearing on this matter. I thank the gentleman for raising this important issue and look forward to working with you and Chairman PETERSON immediately on this issue.

MAY 22, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
U.S. House of Representatives, Washington,
DC.

DEAR CHAIRMAN THOMPSON: We write to you today regarding the recent consideration given to the proposed removal of the agricultural inspection function from the U.S. Department of Homeland Security's (DHS) Customs and Border Protection (CBP), and relocation of this function to the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS), as included in S. 887 and other legislation pending in Congress. USDA and DHS oppose this legislative proposal. We both take seriously the shared mission of protecting our Nation from foreign plant and animal diseases, as well as securing our homeland against unintentional and intentional threats to our agriculture and food supply.

The creation of DHS was a thoughtful complex, and ambitious integration effort. We strongly believe that Congress, which recently mandated an extensive internal reorganization of DHS, should now give DHS the organizational stability it needs to succeed with its vital homeland security mission.

USDA, DHS, and our agriculture stakeholders all share a common goal—protecting American agriculture. However, both USDA and DHS strongly believe that another disruptive, time-consuming transfer of thousands of employees and the agricultural inspection function, as advocated by some, would degrade enforcement and seriously undermine the integrated border enforcement capabilities created with the formation of DHS. A transfer would divert attention from the real mission to prevent the entry of harmful plant and animal pests, disease, and threats to our agricultural resources and food supply. A transfer would delay efforts to identify needed improvements in agricultural inspection and would therefore set the agricultural inspection program back while also creating counterproductive management and employee churn for both USDA and DHS. Working cooperatively, USDA and DHS employees have made much progress and have strengthened their partnership in forming a unified first line of defense in performing their missions and delivering agricultural programs.

On March 1, 2003, the responsibility for the inspection of goods and travelers for illegal agricultural products or pests arriving in the United States was transferred from USDA to the then-newly created CBP within DHS. The transfer of this function was among the first steps in establishing CBP as the single, unified agency responsible for managing and securing our Nation's ports-of-entry. Another important part of the creation of CBP was the development of two new positions to respond to new and expanded border security needs: the CBP Officer and the CBP Agriculture Specialist (CBPAS).

CBP Officers are responsible for a wide range of duties including preventing the entry of terrorists and their weapons and conducting traditional inspection activities

related to trade, contraband enforcement, and admissibility—as well as the important agricultural inspection function. In this regard, CBP Officers receive specialized cross-training related to agricultural risk and inspection referral. CBPASs fill the role of the former APHIS inspectors and conduct activities to prevent harmful plant and animal pests and diseases from entering the United States while guarding against agro/bio-terrorism.

Today, CBP Agriculture Specialists receive the same amount of agriculture-specific training as they did when they were part of USDA. The eight weeks of agriculture-specific training that CBPASs receive, conducted by USDA instructors, ensures that they are fully prepared for their role at the border. In addition to traditional agricultural enforcement, CBPASs play a crucial role in educating other CBP officers about the agricultural inspection process, thus enhancing the agricultural knowledge of all personnel at ports-of-entry. Importantly, CBP has increased CBPAS staffing in the field by over 30 percent, providing coverage at over 157 ports-of-entry since the merger on March 1, 2003. The deployment of both CBPASs (over 2,000) and cross-trained CBP Officers (18,000) to search for agricultural threats has resulted in a force multiplier that improves implementing the agricultural inspection program. The proposal to remove agricultural inspections from DHS would wholly undermine the force multiplier achieved by cross-training.

With the creation of CBP, USDA continued to retain the majority of agricultural functions, including responsibility for establishing regulations and guidelines that govern the import of agricultural products, pest identification, inspection of propagative material, risk assessment, and methods development. CBP, of course, retained border inspection responsibilities. While USDA continues to establish agricultural policy governing imports, it is the significant cooperation between the two Departments that has enabled the agricultural inspection program to advance and meet the new challenges of the growing global marketplace. USDA and DHS have worked tirelessly to integrate the important duties and responsibilities of the scientific mission of agricultural inspection with CBP's other missions.

American agriculture remains at risk from external threats. Our joint efforts must continue to prepare us for the threat of unintentional or intentional introduction of foreign plant or animal pests or pathogens into our country. These potential threats could devastate American crops or livestock, which is why the incorporation of the two CBP line positions plays such an important role in DHS's multi-layered approach to protect U.S. agricultural resources.

USDA and DHS are committed to working in partnership to safeguard American agriculture by detecting and preventing harmful plant and animal pests and diseases through training initiatives, trend analysis, targeting initiatives, and the development of special programs like the National Agriculture Release Program. As part of this commitment, USDA and DHS are forming a task force to address the concerns of our agriculture stakeholders, as well as issues raised about the agricultural inspection program in reports from the Government Accountability Office and USDA's Office of the Inspector General. Through this task force, USDA and DHS will take important steps to continue to improve the program by conducting a thorough analysis of the program's performance, agreeing to a specific action plan for improvements, and setting clear and measurable goals to hold the agencies accountable for protecting America from

threats to our agriculture. We believe this is a far more productive course of action than the transfer of employees and the agricultural inspection function back to USDA, and it will achieve the common goal of protecting U.S. agricultural resources. USDA and DHS stand together as partners and value our cooperative efforts, our joint missions, and our employees.

Sincerely,

MIKE JOHANNIS,

Secretary, U.S. Department of Agriculture.

MICHAEL CHERTOFF,

Secretary, U.S. Department of Homeland Security.

Mr. GOODLATTE. Will the gentleman from California yield?

Mr. CARDOZA. I have been working closely with Congressman ADAM PUTNAM on this issue, and I would be happy to yield to my friend from Virginia on this issue.

Mr. GOODLATTE. I thank the gentleman.

I want to commend the gentleman for offering this amendment. I want to commend the gentleman from Mississippi for his willingness to hold hearings on this issue.

I was chairman of the committee at the time that the Homeland Security Department and Committee were created and served on that committee for 2 years, and the problems were already becoming apparent at the outset that the nature of most of the operations of homeland security very much differ from this effort to deal with animal and plant pests that are entering this country. And we really do need to make sure that this function of the Department is operating in the fashion that it was operating when it was under the control of the Department of Agriculture, that we're not losing people with the kind of expertise that's necessary to be able to detect and keep these pests out of the country. And I hope that this dialogue will lead to an effort to enhance that effort.

Mr. CARDOZA. I thank the gentleman.

Mr. PETERSON of Minnesota. Will the gentleman yield?

Mr. CARDOZA. I will yield.

Mr. PETERSON of Minnesota. I, as well, want to commend the gentleman from California and the gentleman from Mississippi for their willingness to work with us on this issue, as well as the ranking member.

We, on the committee, have an investigator that does work for us. And this last year he went out and traveled around the country, talked to a lot of folks involved in this area. And we have some troubling feedback that we got in that report. And I think it's appropriate that we all that are involved in this get together and have hearings to get to the bottom of this to make sure that we not only are securing our borders, but we also are doing the best job that we can to make sure that the food coming into this country is secure and safe and the process is not overly bureaucratic.

So I thank the gentlemen for their leadership and look forward to working

with all of them on this issue as we go forward.

Mr. CARDOZA. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. BOUSTANY

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110-261.

Mr. BOUSTANY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BOUSTANY:

At the end of subtitle A of title XI, add the following new section:

SEC. 11013. DETERMINATION OF CERTAIN SWEET POTATO PRODUCTION.

In the case of sweet potatoes, Risk Management Agency Pilot Program data shall not be considered for purposes of determining production for the 2005-2006 Farm Service Agency Crop Disaster Program.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Louisiana (Mr. BOUSTANY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BOUSTANY. Mr. Chairman, I want to thank Chairman PETERSON and Ranking Member GOODLATTE, the Democratic staff of the committee and the Republican staff of the committee for working with my staffer, Michael Hare, on this amendment. I think it's a very important amendment.

I am pleased to offer this with my colleague and good friend, Mr. ALEXANDER, from Louisiana as well.

Sweet potato farmers throughout the Nation are involved in an insurance pilot program being administered by the Risk Management Agency. This is a multi-year process which involves many adjustments along the way. The biggest problem was a change made by RMA that defines what qualifies as a marketable sweet potato.

The new definition of the term "marketable" includes all sweet potatoes over 1½ inches in diameter. Unfortunately, this definition does not allow for any sweet potato that has been ruined and is considered unmarketable from being deducted from the total yield calculation.

Sweet potato farmers in Louisiana, as well as in many other parts of the country, suffered heavy rains in September and October of 2005. While these heavy rains led to significant yield losses, sweet potatoes that were over 1½ inches in diameter were counted as a part of the total yield. By counting the sweet potatoes ruined by heavy rains, farmers were unable to qualify for disaster payments.

Our amendment would simply use the data collected by the local FSA offices

instead of the RMA to be used for the purposes of determining crop losses.

□ 0930

These local offices already have the production yield information for the 2005-2006 crop year and will be able to certify if a sweet potato farmer is eligible, indeed, for disaster payment.

Mr. Chairman, I want to be clear: this amendment will only apply to farmers who purchased crop insurance and had a 35 percent crop loss. This amendment simply corrects a technical error made by RMA.

Mr. Chairman, I strongly urge that we support our sweet potato farmers and adopt this amendment.

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

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PETERSON of Minnesota. Thank you, Mr. Chairman.

As I said, I support the gentleman's amendment. I understand the gentleman's frustration with RMA and how it is on operating this crop insurance program for sweet potatoes. We have similar frustrations in our area in some other projects that we have been working on. I have heard from many of my farmers about this as well. That is why once we finish this farm bill, the committee is going to conduct a thorough, top-to-bottom review of all our operations down at USDA, especially at RMA.

So I appreciate the gentleman's fighting for his farmers. Given my understanding that this amendment does not score, I urge my colleagues to support the amendment.

Mr. Chairman, I yield back my time.

Mr. BOUSTANY. Mr. Chairman, I thank Chairman PETERSON for his work and his support of this amendment.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY).

The amendment was agreed to.

Mr. PETERSON of Minnesota. Mr. Chairman, I ask unanimous consent that we proceed out of order so that the gentleman from New York (Mr. RANGEL), the distinguished chairman of the Committee on Ways and Means, can offer his amendment.

The Acting CHAIRMAN. The gentleman's request cannot be entertained in the Committee of the Whole.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110-261.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. JACKSON-LEE of Texas:

At an appropriate place in title IV, insert the following (and make such technical and conforming changes as may be appropriate):
SEC. _____ SENSE OF THE CONGRESS.

It is the sense of the Congress that food items provided pursuant to the Federal school breakfast and school lunch program should be selected so as to reduce the incidence of juvenile obesity and to maximize nutritional value.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me acknowledge the chairman of the full committee, Mr. PETERSON, and the ranking member, Mr. GOODLATTE. I, too, was trying to yield to the distinguished chairman of the Ways and Means Committee. But I am sure that we will have an affirmation, hopefully, of the spirit of this amendment and ask my colleagues before I start to support it.

Mr. Chairman, I rise to affirm family farmers around America. I rise proudly to acknowledge the importance of family farmers and the American agricultural industry in feeding not only America, but feeding the world. This bill, in particular, does a great amount as relates to improving nutrition, providing food for hungry children, and, of course, serving the world, particularly those in need of food.

It goes a long way in providing for black farmers and those who are socially disadvantaged or have land that needs conservation or needs the sharing of technology. I look forward to working with the chairman on those issues as we move forward.

But I rise today to offer an amendment that reaffirms the importance of nutritious meals for our young people, and the importance of the young people who eat school breakfasts and school lunches to have nutritious meals.

This map may not necessarily speak to the idea of school lunches and school breakfasts, but the vastness of this map shows how big America is and the number of people on food stamps. You can imagine that the number of people on food stamps have children who go to school in need of a school breakfast and a school lunch.

Obesity in America is a health crisis. My amendment simply asks that we reaffirm, as a Congress, that those school lunches and those school breakfasts will be nutritionally based to overcome juvenile obesity and to ensure nutritious meals.

Mr. PETERSON of Minnesota. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Chairman, I appreciate the gentle-

woman's leadership on this issue. I think this is a very good amendment. We appreciate her interest in promoting healthy foods in schools. That is something that the committee is very much interested in. We support your amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute and 25 seconds to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, childhood obesity is a growing problem in our country. We already know that obesity leads to a greater risk of heart disease, diabetes and a host of other cardiovascular problems.

According to data from a California physical fitness testing program, among fifth, seventh and eighth graders in Los Angeles County public schools, 22 percent of students are overweight. According to the Centers for Disease Control and Prevention, in Los Angeles high schools, 16 percent of students were overweight and 18 percent are at risk of becoming overweight.

Mr. Chairman, this alarming trend in childhood obesity is not only a problem for Los Angeles, but for our Nation. Seventeen percent of our Nation's children aged 12 through 19 are overweight. Overweight children and adolescents are more likely to become obese as adults.

If we want to reverse this trend and effectively reduce childhood obesity, we need to ensure that school breakfasts and school lunch programs clearly communicate the dangers of obesity and the importance of nutrition and physical fitness.

Mr. Chairman, I am very pleased that the Chair has agreed to take the Jackson-LEE amendment to underscore the importance of this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me quickly say this amendment is supported by the National Farmers Union, and it is a sense of Congress that food items provided pursuant to the Federal School Breakfast Program and School Lunch Program should be selected so as to reduce the incidence of juvenile obesity and to maximize nutritional value.

Very quickly, African American and Hispanic families have the greatest risk for overweight and obesity, and youngsters from lower-income families have a higher risk for obesity than those from higher income. More than 40 percent of African American teenagers are overweight. Nearly 25 percent are obese. Hispanic children have the highest lifetime risk of diabetes, 52 percent for boys, 45 percent for girls, followed closely by African American children.

This would be a very crucial statement made by this body, a bipartisan statement, that we not only support America's farmers, but we support the nutritional eating of our children in programs that are federally funded. I

would ask my colleagues to support this amendment because obesity is at epidemic proportion in America; and I look forward to working with this committee as we promote nutrition, not only in the United States, but around the world.

Mr. Chairman, I ask for support of this amendment.

Mr. Chairman, I rise in support of H.R. 2419, the Farm Nutrition, and Bioenergy Act of 2007, the Farm Bill. Let me first thank my distinguished colleague Chairman PETERSON for his extraordinary leadership and guidance in crafting this bill. The Farm Bill will go a long way to feed the hungry, increase access to childcare for low-income parents, help the environment, increase opportunities for alternative energy and promote healthy food choices. H.R. 2419 will play a crucial role in continuing to provide a strong support system for many of this Nation's neediest families. H.R. 2419 reauthorizes nutrition programs, which account for two thirds of the bill's funding, to help low income families in need. This includes the extremely important Food Stamp Program that keeps many Americans from going hungry. In fact, the Farm Bill increases the minimum benefit under the Food Stamp Program for the first time in 30 years, and also adjusts the increase to inflation. I am particularly pleased to note that the bill eliminates the current cap on childcare costs to help the working poor meet rising costs. In addition, it nearly doubles the funding for the Emergency Food Assistant Program and expands the Fresh Fruit and Vegetable Snack Program to all 50 States.

A HEALTHY INVESTMENT

The legislation makes historic investments in programs to support fruit and vegetable producers who have not received traditional Farm Bill benefits. The bill provides \$1.6 billion in funding for fruit and vegetable programs, including nutrition, research, pest management and trade promotion programs. It increases and expands the Fresh Fruit and Vegetable Snack Program to schools in all 50 States and allows Senior Farmers Markets to expand six-fold. The bill provides mandatory funding for organic certification cost share and authorizes a new incentive payment program for farmers wanting to convert to organic production.

Mr. Chairman, the nutrition section of the H.R. 2419 will go a long way to combat the obesity crisis in this country. Emphasizing the importance of nutrition in this bill will give us some hope that we can find very real solutions to curtail the increasing rates of obesity in our communities and the extremely serious health consequences that result from these high obesity rates. In fact, that is why I offered an amendment to the Farm Bill. My amendment is simple but makes an important contribution to the legislation. The amendment, which is strongly supported by the National Farmer's Union, simply provides that: "It is the sense of the Congress that food items provided pursuant to the Federal school breakfast and school lunch program should be selected so as to reduce the incidence of juvenile obesity and to maximize nutritional value."

Mr. Chairman, we cannot wait any longer to provide every opportunity for our children to receive nutritious meals and, in turn, reverse the alarming rates of childhood obesity. Although the obesity rates among all Americans are alarming, the obesity rates among African-

American and Latino communities are particularly astonishing. As chair of the Congressional Children's Caucus, I have a special concern to bring attention to the childhood obesity epidemic among African-Americans and Latino communities.

Earlier this year, my office in concert with the office of Congressman EDOLPHUS TOWNS and the Congressional Black Caucus Foundation, held a widely-attended issue forum entitled, "Childhood Obesity: Factors That Are Contributing to the Disproportionate Prevalence in Low Income Communities." At this forum, a panel of professionals from medicine, academia and research, nutrition, and the food industry discussed the disturbing increasing rates of childhood obesity in minority and low-income communities, and the factors that are contributing to the prevalence in these communities.

What we know is that our children are consuming less nutritious foods and that they do not get sufficient physical exercise. This combination has led to the obesity epidemic as well as various directly-related consequences. We must find ways to remove them.

Consider these facts:

Obesity is widely recognized as one of the most pressing health threats to children and families across the country.

Today, one-third of American children and adolescents are either obese or at risk of becoming obese.

There are serious health implications associated with obesity for children, including increased risk for developing heart disease, type 2 diabetes, stroke, orthopedic problems, and asthma. When ethnicity and income are considered, the picture is even more troubling.

African-American and Hispanic families have the greatest risk for overweight and obesity, and youngsters from lower-income families have a higher risk for obesity than those from higher-income families.

More than 40 percent of African-American teenagers are overweight, and nearly 25 percent are obese.

Hispanic children have the highest lifetime risk of diabetes (52 percent for boys, 45 percent for girls), followed closely by African-American children (49 percent for boys, 40 percent for girls).

Since the mid-seventies, the prevalence of overweight and obesity has increased sharply for both adults and children. According to the Centers for Disease Control and Prevention, CDC, among adults aged 20–74 years the prevalence of obesity increased from 15.0 percent (in the 1976–1980 survey) to 32.9 percent (in the 2003–2004 survey). There were also increases in overweight among children and teens. For children aged 2–5 years, the prevalence of overweight increased from 5.0 percent to 13.9 percent; for those aged 6–11 years, prevalence increased from 6.5 percent to 18.8 percent; and for those aged 12–19 years, prevalence increased from 5.0 percent to 17.4 percent.

These increasing rates raise concern because of their implications for Americans' health. Being overweight or obese increases the risk of many diseases and health conditions, including the following: hypertension; dyslipidemia (for example, high total cholesterol or high levels of triglycerides); type 2 diabetes; coronary heart disease; stroke; gallbladder disease; osteoarthritis; sleep apnea and respiratory problems; and some cancers: (endometrial, breast, and colon).

We must stop the obesity trends now. We cannot afford the health cost or financial cost that are resulting and will continue to result from the alarming obesity rates in this country.

AMENDMENT TO H.R. 2844

I also offered a nutrition-related amendment to H.R. 2844, "The Food Security and Agricultural Development Act of 2007." That amendment contains two simple, but very important, provisions. It states that it is U.S. policy to use non-emergency food aid to work to ensure that all members of a community, and particularly children, receive proper nutrition. It also recognizes the importance of non-emergency aid in mitigating the catastrophic effects of potential future emergencies.

Malnutrition remains a significant problem worldwide, particularly among children. According to the United Nations World Food Programme, severe acute malnutrition affects an estimated 20 million children under 5 worldwide. It kills approximately 1 million children each year, or an average of one every 30 seconds. According to UNICEF Director Ann M. Veneman, malnutrition plays some part in 53 percent of all deaths of children under 5. When an emergency situation does arise, malnutrition increases dramatically and kills most quickly.

These statistics are absolutely staggering. They are unnecessary. The World Food Programme estimates that, when implemented on a large scale and combined with hospital treatment for children who suffer complications, a community-based approach to combating malnutrition could save the lives of hundreds of thousands of children each year.

My amendment recognizes the need to meet a community's nutritional needs, particularly those of the children. It highlights the need for non-emergency assistance to address these devastating, long-term deficiencies. There are strong links between a lack of development and the effects of humanitarian emergencies, and the second part of my amendment highlights these. This legislation takes the very important step of setting aside \$600,000,000 specifically for non-emergency programs, recognizing the need to finance development. We must act to ensure that the world's most vulnerable populations have access to the long-term solutions that will permit them to fight off hunger, not just in the immediate aftermath of a catastrophe, but in the years and decades to come.

IMPROVEMENT OF THE ENVIRONMENT AND PROTECTION OF OPEN SPACES

The 2007 Farm Bill makes conservation a cornerstone of agriculture for all producers in all regions of the country. The bill increases funding and access to conservation programs to preserve farm and rangeland, improve water quality and quantity, and enhance soil conservation, air quality, and wildlife habitat on working lands.

STIMULATION OF RURAL ECONOMIES

The 2007 Farm Bill also includes key provisions that invest in rural communities nationwide, including economic development programs that target rural areas in need and broadband telecommunication services to bridge the digital divide and provide access to rural, underserved areas.

SECURITY OF AMERICA'S ENERGY FUTURE

The 2007 Farm Bill boosts funding for renewable energy programs by 600 percent. It encourages the production of renewable en-

ergy, including biofuels and biobased products that protect our environment and encourage energy independence. It also provides loan guarantees for the development of biorefineries that process biofuels from dedicated energy crops and agriculture and forestry waste materials, a key step toward bringing more renewable fuels to market in America.

Mr. Chairman, the reauthorization of the Farm Bill presents an opportunity for our Nation to have a food system that is more just and sustainable. Current policy in the United States has not adequately met the needs of people living in poverty, small and mid-sized farmers, or of rural America; nor has it been effective in protecting the environment in which we must live. We can do better. Now is the time for us to make a real difference in the lives of people across our nation and around the world. We can do just that with passage of H.R. 2419. I urge my colleagues to join me in supporting this bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PETERSON of Minnesota. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

It is now in order to consider amendment No. 11 printed in part B of House Report 110–261.

AMENDMENT NO. 12 OFFERED BY MR. RANGEL

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in part B of House Report 110–261.

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by RANGEL:

At the appropriate place in the bill, insert the following new sections:

SEC. ____ . CLARIFICATION OF PAYMENT TERMS UNDER THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

Section 908(b)(4) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(4)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

“(D) the term ‘payment of cash in advance’ means, notwithstanding any other provision of law, the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

“(i) the transfer of title of such commodity or product to the purchaser; and

“(ii) the release of control of such commodity or product to the purchaser.”.

SEC. ____ . AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS UNDER THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may not restrict direct transfers from a Cuban depository institution to a United States depository institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.).

(b) DEPOSITORY INSTITUTION DEFINED.—In this section, the term “depository institution” means any entity that is engaged primarily in the business of banking (including a bank, savings bank, savings association, credit union, trust company, or bank holding company).

SEC. ____ . ISSUANCE OF VISAS TO CONDUCT ACTIVITIES IN ACCORDANCE WITH THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

Notwithstanding any other provision of law, in the case of a Cuban national whose itinerary documents an intent to conduct activities, including phytosanitary inspections, related to purchasing United States agricultural goods under the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000, a consular officer (as defined in section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9))) may issue a nonimmigrant visa under section 101(a)(15)(B) of such Act (8 U.S.C. 1101(a)(15)(B)) to the national, if the national is not inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182).

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. RANGEL. Mr. Chairman, let me once again thank the chairman of the committee and the ranking member for the bipartisan work that they have put into allowing this great bill to reach the floor.

Mr. Chairman, I think this amendment is going to be a real win for America and a win for American farmers and a win for democracy. What it allows is that the people in Cuba can purchase hundreds of millions of dollars of goods from our farmers and be able to pay directly to U.S. banks without going through the red tape with the restrictions that we have on their visas and having to go to third countries.

Close to 50 years ago, someone came up with the great idea that in order to get rid of Castro and the communist government, that we should put an embargo on that country, which, of course, included food products that our great farmers are producing. Well, what has happened is that Castro is still there and we have gone through 10 presidents, and we are the only country that it appears as though has this embargo, which is truly ineffective.

Having said that, it would just seem to me that if we really want to win the hearts and minds of the people in Cuba,

that we should make it abundantly clear that our greatest salesmen are our farmers, to be able to give food and nutrition to these people, and the money comes here and the food goes there. Hugo Chavez may be there trying to give them oil, but the poor people in Cuba can't eat oil. So this would open up the markets by hundreds of millions of dollars for wheat, pork, chicken, rice and beans, instead of having the Cubans go to Thailand and Europe, and indeed to go to Communist China.

Now, I know there is a lot of fear about communists, but if you take a look at our deficit with the People's Republic of China, if you see our exploding exchange with the communist government of Vietnam, give me a break. This has nothing to do with communism, very little to do with Cuba, and a heck of a lot to do as to how people are going to vote in Miami and in Florida as relates to Republicans and Democrats.

So we have a great opportunity to do what America does best: compete on the open market of competition. Let's try to take local and domestic politics out of it.

I know it is difficult, because those who oppose this, they don't like Castro. Well, I am 77 years old. Forty years of that has been fighting Castro with an embargo. Young people, that is not going to work.

□ 0945

If you want to get rid of Castro, let American enterprise, capitalism, farmers, food, liberty, justice, get that into Cuba, and that will bring the old man down.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, I am strongly opposed to this amendment that rewards a state sponsor of terrorism with unfettered access to our banks and increases the threat to our country. It condones terrorist financing through our banking system. We do not allow other state sponsors of terrorism, such as Iran, Syria, Sudan, and North Korea, to have direct access to U.S. banks.

During a visit with Iran's Ayatollah in May 2001, Castro declared that together Cuba and Iran will bring America to its knees. We should not allow the Cuban regime to access U.S. bank accounts.

And then there is the troubling provision to expedite visas for so-called Cuban agricultural inspectors. This would give free rein to any intelligence agent that the Cuban Government designates as an agricultural investigator to come to the United States. We should not open our borders to any Cuban agent to roam freely throughout the United States under the guise of being agricultural inspectors.

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

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for his outstanding leadership on this issue now and in the past. This is something that I support.

A recent report by the U.S. International Trade Commission shows the United States was a main supplier of ag products to Cuba last year, accounting for 30 percent of the island's imports. This report indicates that number could increase to 50 percent if the United States would only end some of its decades-long restrictions on trade between the two nations. This report shows that lifting the trade and travel restrictions against Cuba can have a real effect on the U.S. farm economy.

Unfortunately, since 2000, American farmers and other ag exporters have been allowed to sell goods to Cuba only on a cash-only basis. So with elimination of all such travel and trade restrictions, U.S. exports to Cuba could almost double from the 2006 level. The largest gains would be fresh fruits, vegetables, milk powder, processed foods, and certain meats.

This amendment is long overdue and would take care of those factors and finally allow our ag producers to benefit from Cuban trade.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the chairman of the appropriations subcommittee of the Legislative Branch.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I want to congratulate Chairman PETERSON for an excellent farm bill which I support and look forward to supporting, assuming this amendment is not added to it.

I do have the utmost respect for the gentleman from New York and have enjoyed my time serving with him in the House of Representatives, but I rise in opposition to his amendment which provides the Cuban regime with the ability to open bank accounts in the United States and obtain visas for regime officials to visit U.S. production facilities.

I strongly support the farm bill, but this amendment needlessly adds a volatile political issue to this important bill.

Cuba is one of five countries in the world that is a state sponsor of terror, along with North Korea, Iran, Syria and Sudan. This amendment would allow access to our financial institutions by a regime that is and maintains close relationships with other state sponsors of terrorism.

Recently, we have been especially vigilant about not allowing access to our financial institutions since 9/11. We adopted the Bank Secrecy Act. We have made sure there are countless accountability measures to ensure that financial institutions have the ability

to protect themselves from people who would do us harm, and this amendment would go in the opposite direction.

Additionally, regular Cuban citizens are prohibited from engaging in private economic activity; thus, general agricultural licenses will only serve the purpose of allowing agents of the Cuban Government into the United States.

Finally, I want to remind Members that while the Castro regime seeks U.S. concessions to finance its existence, it has consistently rejected offers of direct U.S. humanitarian assistance to the Cuban people.

I ask my colleagues to vote against this amendment. The Cuban people stand at the cusp of actualizing their dreams of freedom. It is our duty to stand by them during this historic time.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, it is my understanding that the United States does a lot of trading back and forth with Pakistan. Today we understand, in fact, that Osama bin Laden may be hiding in the hills in Pakistan, so let's get this record straight here.

This is about only having Cuba to pay cash in advance, cash in advance for any products that are shipped. It also says that the U.S. Government has created unreasonable obstacles to American businesspeople in their trade with Cuba, which can average \$2 billion in agricultural products.

Let me give you an example. Today Cuba has increased its purchases of rice from Vietnam because of the payment restrictions imposed by the United States. That is \$200 million that could be directed towards our farmers and not to Vietnam. Talk to the folks from Arkansas. Talk to the folks from Louisiana. Wouldn't it be better if our rice farmers, in fact, could be the beneficiaries of that market?

Let us end this foolishness of making a restriction on our farmers to sell their agricultural products to Cuba. Cuba is the only country in the world on which we put these kinds of restrictions.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to yield 30 seconds to the gentleman from New Jersey (Mr. SIREs) who serves on our Foreign Affairs Committee, and this amendment did not go through our committee.

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

Mr. SIREs. Mr. Chairman, I rise briefly to respectfully state my strong opposition to this amendment because I believe that we must not open our financial institutions to a state sponsor of terrorism like the Cuban regime.

The Rangel amendment has almost nothing to do with agricultural interests. In fact, it may actually cause harm to our agricultural community. What this amendment does do is threaten our national security. This amendment allows the Cuban Regime, a state sponsor

of terrorism, access to U.S. financial institutions and allows its agents access to U.S. visas.

If adopted, the Rangel amendment will legitimize the Cuban Regime and provide them with the opportunity to continue its sponsorship of terrorism. It will also provide high level regime officials access to U.S. visas to travel throughout the United States. At a time when our country has declared a war on terror and we have worked to cut the flow of money to terrorists and terrorists access to our financial institutions, we must not open our financial institutions to help finance state sponsors of terrorism. By adopting this amendment, we will be doing just that, rewarding the Cuban Regime and supporting the financing of a state sponsor of terrorism.

I urge my colleagues to vote "no" on this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 1½ minutes to the chairman of the Republican Policy Committee, the gentleman from Michigan (Mr. McCOTTER).

Mr. McCOTTER. Mr. Chairman, it was interesting that the distinguished chairman of the Ways and Means Committee pointed out since the time Dictator Castro has held sway over the Cuban people, the United States has had Presidents come and go, which seems to point to one ineluctable fact: the United States, as a free people, can make their Presidents come and go, which is an option the Cuban people do not have.

As a practical matter, I oppose this amendment for a very simple reason: it would open up trade with a state sponsor of terrorism, and I can find no logical way to differentiate one state sponsor of terrorism from another. It would be akin to simply trying to determine what the make of the car that ran you over was as opposed to the driver. In either event, you are probably likely dead, and the rest of the question is academic.

Secondly, we have heard much in this debate about the benefit that we may reap in terms of our corporations and farmers, but let us never forget that the United States must always care more about the cause of human freedom than about mere money.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield the balance of my time to a member of the Rules Committee, my colleague from Florida, a leader on human rights, Mr. LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, the agricultural issue in this amendment is really a subterfuge, because if we read, for example, the spokesman of U.S. Agribusiness, Mr. Radlow, he states that in the 5 years that we have been selling products to Cuba, the political hurdles have never hurt. We know how to deal with third-party banks.

People use the hurdles as an excuse for not getting a contract. It is legal to sell agricultural products to the Castro regime since the year 2000. But as the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) pointed out, ever

since 2001 and the attacks of 2001, we have been making sure that U.S. financial institutions, to the greatest extent we can achieve it, are protected from state sponsors of terrorism. And as a matter of fact, the regulation being discussed today was requested by U.S. financial institutions.

So let's not get confused. This amendment would allow a state sponsor of terrorism on the list of state sponsors of terrorism U.S. bank accounts and visas for their agents, over a dozen of which have been convicted in recent years alone of spying against United States interests. So let's vote down resoundingly this amendment.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Rangel amendment and thank the gentleman for offering such a forward thinking measure.

This amendment will remove the banking restrictions that require prepayment for agricultural goods, that keep Cuban families from purchasing food from American family farmers. And frankly it's past time.

It is past time to leave out-dated cold war era thinking on U.S.-Cuban relations out where they belong—in the cold.

It is past time to reach out to the Cuban people and allow them to engage our democratic free markets.

It is past time to restore the rights of the American family farmer's access to upwards of \$300 million dollars in sales to the Cuban market.

It makes no sense to me to allow agricultural exports into Cuba on one hand and then turn around and set up bureaucratic banking restrictions that severely limit those very exports on the other.

I commend Chairman RANGEL for his leadership on this issue and I hope to work with him to bring some common sense to Cuba policy.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. BOEHNER

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in part B of House Report 110-261.

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BOEHNER: In section 1204, add at the end the following new subsection:

(i) RATE ADJUSTMENTS; DATE FOR DETERMINING REPAYMENT RATE.—

(1) NO MORE THAN MONTHLY RATE ADJUSTMENTS.—Repayment rates established under this section shall be adjusted by the Secretary no more than once every month for all loan commodities.

(2) DATE FOR DETERMINING REPAYMENT RATE.—With respect to the monthly repayment rates established under this section, the rate shall be—

(A) in the case of a producer who, as determined by the Secretary, loses beneficial interest immediately upon repayment of the loan, the monthly repayment rate that is in effect on the date beneficial interest is lost; and

(B) in the case of other producers who did not lose beneficial interest upon repayment of the loan, the repayment rate in effect on the earlier of—

(i) the month in which the loan matures; or

(ii) the last month of the marketing year established by the Secretary for the commodity.

In section 1205(e), add at the end the following new sentence: "However, the producers must have beneficial interest in the commodity for which a payment is requested under this section as of the date on which the producers request the payment."

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Let me first congratulate Mr. PETERSON and Mr. GOODLATTE and the bipartisan group of members on the Ag Committee who have brought this bill to the floor.

Unfortunately, the several tax increases contained in the bill I think are problematic, and we will deal with that later in this process.

But the amendment that I bring to the floor today aims to fix a problem that has been identified by the administration and others but has not been addressed in the bill that we have before us. This bill would extend a policy that permits farmers to receive loan deficiency payments based on a daily posted county price, and I think that would allow a mistake to continue.

If we are going to continue loan deficiency payments, I think we need to address the situation that allows farmers to lock in an LDP when prices are low and then to sell that crop when prices are high. LDPs are a valuable tool for farmers, and in order to preserve this valuable tool, we need to fix this problem.

Loan deficiency payments enable farmers to receive financing early in the harvest season, preventing farmers from forfeiting their crops to the government and allow commodities to be marketed in response to market demand. As I said, they are a valuable tool, and if we do not preserve their integrity, I think they are likely to blow up and to be eliminated entirely.

This amendment would replace the daily posted county price with a monthly posted county price. The monthly PCP would be the average of five daily PCPs on preset days during the previous month, taking out the high price and the low price for that month. Agriculture Secretary Mike Johanns included this provision in his farm bill recommendations.

The problems with calculating LDPs based on the daily posted county price were highlighted in the days after Hurricane Katrina. Because of the hurricane, transport of grain on the Mississippi River was stopped for several days. This caused a short-term precipitous drop in market prices which then triggered a number of farmers to go in and trigger their LDP payments. The farmers who locked in these artificially low LDPs were simply using the program to increase payments that they received from the government.

This was not the purpose of the marketing loan program or the LDP program. Marketing loans and LDPs are intended to allow farmers to receive financing early in the harvest season to allow commodities to be marketed in response to demand.

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If we want to increase subsidies for farmers, let's be honest about it. If we allow the marketing loan program and LDPs to continue to be used in this manner, we'll be undermining their integrity by allowing them to game a pricing system that reacts to daily natural disasters.

I think supporting a good farm policy is important, but exploiting catastrophic natural disasters cannot stand. So I believe we need to make this change if we're going to preserve LDPs and the integrity of our good farm policy.

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

Mr. PETERSON of Minnesota. Mr. Chairman, I rise to oppose the gentleman's amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Chairman, Mr. BOEHNER is a good friend of mine, and I am reluctant to oppose this amendment but I must.

This provision was part of the administration's farm bill proposal. The benefit of daily posted county prices is that farmers have the greatest amount of flexibility in responding to market price changes, which have become, as indicated by Mr. BOEHNER, increasingly volatile, and the farmers have very little power in this marketplace. This is something that I think we clearly should retain for them so that they've got some ability to deal with what happens in the marketplace.

Moving to a monthly posted county price may save money, but as I said, it hampers, weakens the effectiveness of the marketing loan program as a safety net feature, which is one of the primary things we're trying to do in this farm bill.

According to a letter from the National Grain and Feed Association, this proposal would be highly disruptive to the efficient operation of the cash grain marketplace.

The entire General Farm Commodities and Risk Management Subcommittee, Republicans and Democrats alike, rejected this approach

when it defeated an amendment containing the administration's proposal that had this feature in it.

This amendment, this idea has no support in the agricultural community; and, therefore, I urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back my time.

Mr. BOEHNER. Mr. Chairman, I'm pleased to yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and I appreciate his leadership.

This is an example of a simple, commonsense reform that needs to be in a farm bill. Just because it was buried in the overall administrative proposal and rejected does not mean that it doesn't have merit. It's not that this just saves money; it avoids an unnecessary complication and room to game the system.

What Mr. BOEHNER said is true, there are billions of dollars at play here. Obviously this may not be supported in the farm country to fix the loophole because this is an opportunity for them to make unjustified money.

I strongly urge support with this simple, commonsense reform.

Mr. BOEHNER. Mr. Chairman, I'm pleased to yield 30 seconds to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman from Oregon said, this is simply a commonsense amendment. In the days after Katrina, people were able to lock in artificially low prices and make billions, billions of dollars at the expense of the taxpayer when they then sold at the higher price. So it was simply a way to game the system. That's all it was. There's no other explanation for it.

And to say that the agricultural community rejects it doesn't say anything about its worthiness as a commonsense reform measure. This needs to be done. It's common sense. There's no justifiable explanation to allow people to game the system.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of our time.

In the days after Katrina, and just several days after Katrina, when we had the precipitous drop in prices, it cost the Federal Government \$3.5 billion in extra LDP payments. So what we're talking about here is sound agricultural policy and sound policy with regard to America's taxpayers.

Think about the fairness of the farmer who sold his crop the day before Katrina. Think about what he felt like when several days later his fellow farmers ended up with hundreds of thousands of dollars more in extra benefits from the government because they just happened to sell a day or two before Hurricane Katrina hit.

Mr. PETERSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Chairman, I think what people need to

understand, the farmer that sold the day before Katrina got his money out of the marketplace, and what the LDP did is protect those farmers that sold later to get the same price that farmer got right before Katrina. So that's exactly what this is supposed to do.

Farmers don't have any power in this marketplace to speak of. If you want to give all the power to the big guys, go to this system. It's not what we want to do in the Ag Committee.

Mr. BOEHNER. Reclaiming my time, I served for the last 17 years with Mr. PETERSON on the Ag Committee. I'm on leave, and I know all my colleagues on the Ag Committee are glad that I'm on leave. But the fact is that marketing loans and loan deficiency payments were there to facilitate the marketing of a crop. They weren't there to make or set up a system to allow or to put farmers in a position where they become day traders, and the current system does, in fact, allow that.

So instead of looking at a daily posted county price, if you looked at a monthly posted county price where you take out the high for the month and the low for the month and pick 5 days, you've got a fair price for all farmers. You've got a fair system that prevents people from gaming the system because of some abnormality in the market that may occur on one or two days.

This is a commonsense amendment. I would urge my colleagues to adopt it.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

Mr. PETERSON of Minnesota. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALLEN) having assumed the chair, Mr. SCHIFF, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, had come to no resolution thereon.

MODIFICATION TO AMENDMENT EN BLOC OFFERED BY MR. PETERSON OF MINNESOTA AND PERMISSION TO OFFER AMENDMENTS NUMBERED 9 AND 11 AT ANY TIME

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that

during further consideration of H.R. 2419, pursuant to House Resolution 574, (1) the amendment en bloc offered by the gentleman from Minnesota be considered as modified by the form I have placed at the desk and that it be considered as adopted as so modified, and (2) amendments No. 9 and No. 11 be permitted to be offered at any time.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to en bloc amendment offered by Mr. PETERSON of Minnesota: Strike amendment No. 9.

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

There was no objection.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2419.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, with Mr. SCHIFF (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 13 printed in part B of House Report 110-261 by the gentleman from Ohio (Mr. BOEHNER) had been postponed.

AMENDMENT NO. 15 OFFERED BY MR. MANZULLO

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in part B of House Report 110-261.

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MANZULLO:

Strike subsection (a) of section 1246 of the Food Security Act of 1985, as added by section 2409(a) of the bill, and insert the following:

“(a) PAYMENTS FOR CONSERVATION PRACTICES.—The total amount of payments that a person or a legal entity (except a joint venture or a general partnership) may receive, directly or indirectly, in any fiscal year shall not exceed—

“(1) \$60,000 from any single program under this title (other than the environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524(b));

“(2) \$125,000 from more than one program under this title (other than the environ-

mental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act; or

“(3) \$450,000 from the environmental quality incentives program.

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification placed at the desk in order to make a technical correction.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 15 offered by Mr. MANZULLO:

Strike subsection (a) of section 1246 of the Food Security Act of 1985, as added by section 2409(a) of the bill, and insert the following:

“(a) PAYMENTS FOR CONSERVATION PRACTICES.—The total amount of payments that a person or a legal entity (except a joint venture or a general partnership) may receive, directly or indirectly—

“(1) in any fiscal year shall not exceed—

“(A) \$60,000 from any single program under this title (other than the environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 524(b)); or

“(B) \$125,000 from more than one program under this title (other than the environmental quality incentives program) or as agricultural management assistance under section 524(b) of the Federal Crop Insurance Act; and

“(2) for the period of fiscal years 2008 through 2012, shall not exceed \$450,000 from the environmental quality incentives program.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Acting CHAIRMAN. Without objection, the modification is accepted.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 574, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Minnesota (Mr. PETERSON) each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I rise in support of my amendment that will exempt the Environmental Quality Incentives Program, EQIP, from a \$60,000 payment limitation that this bill proposes for conservation purposes.

This program provides farmers with financial and technical assistance to plan and implement soil and water conservation practices and has the full support of the environmental and farming community.

This amendment is more of a technical correction, as all it does is return the EQIP payment limitation to its current level of \$450,000 over the life of the farm bill. The amendment does not