amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3746. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3747. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3748. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3749. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3750. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3751. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3752. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3753. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3754. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. DURBIN, Mr. SCHUMER, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3755. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3756. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3757. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3758. Mr. SMITH (for himself, Mr. BARRASSO, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3759. Ms. SNOWE (for herself, Mr. SCHUMER, Mrs. CLINTON, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3760. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3761. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3762. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3763. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3764. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3765. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3766. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3767. Mr. NELSON, of Florida (for himself, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3768. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3769. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3770. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3771. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3772. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. CARDIN, Mr. ALLARD, Mr. SESSIONS, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3773. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3777. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3701 submitted by Mr. KYL (for himself and Mr. ALLARD) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3778. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3621 submitted by Mr. COLEMAN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3779. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3559 submitted by Mr. INOUYE (for himself and Mr. AKAKA) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3780. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3665 submitted by Mr. ENSIGN and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3781. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3645 submitted by Mr. ENSIGN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3782. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3783. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3679. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CHILDHOOD OBESITY STUDY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that there needs to be a coordinated effort to understand the various factors which impact childhood obesity including the effect of the subsidization of commodities on Federal nutrition programs as well as the role of marketing in childhood obesity.

(b) STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall—

(A) conduct a study to assess the effect of Federal nutrition assistance programs and agricultural policies on the prevention of childhood obesity, and prepare a report on the results of such study that shall include a description and evaluation of the content and impact of Federal agriculture subsidy and commodity programs and policies as such relate to Federal nutrition programs;

(B) make recommendations to guide or revise Federal policies for ensuring access to nutritional foods in Federal nutrition assistance programs; and

(C) complete the activities provided for under this section not later than 18 months after the date of enactment of this section.

(2) INSTITUTE OF MEDICINE STUDY.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall request that the Institute of Medicine (or similar organization) conduct a study and make recommendations on guidelines for nutritional food and physical activity advertising and marketing to prevent childhood obesity. In conducting such study the Institute of Medicine shall—

(i) evaluate children's advertising and marketing guidelines and evidence-based literature relating to the impact of advertising on nutritional foods and physical activity in children and youth; and

(ii) make recommendations on national guidelines for advertising and marketing practices relating to children and youth that—

(I) reduce the exposure of children and youth to advertising and marketing of foods of poor or minimal nutritional value and practices that promote sedentary behavior; and

(II) increase the number of media messages that promote physical activity and sound nutrition.

(B) GUIDELINES.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine shall submit to the appropriate committees of Congress the final report concerning the results of the study, and making the recommendations, required under this paragraph.

SA 3680. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3609 submitted by Mr. CASEY (for himself and Mr. CARDIN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 4 and insert the following:

(a) SAVINGS.—Any savings realized by the amendment made by subsection (b) shall be used by the Secretary to provide matching funds under section 524(b)(4)(C) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C) (as added by section 1921).

(b) ENTERPRISE AND WHOLE FARM UNITS.—Section 508(e) of the Federal Crop Insurance Act (7

SA 3681. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 73___. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 309 (as added by section 7402) the following:

"SEC. 310. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

''(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Henry A. Wallace Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

''(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

''(B) will enhance the use of the property;

''(C) will not permit any portion of Department agency property or any facility of the Department to be used for retail, wholesale, commercial, or residential development;

''(D) will not provide authority for the development or improvement of any new property or facility by any Department agency; and

''(E) will not include any property or facility required for any Department agency purpose without prior written authority.

''(2) TERM.—The term of the lease under this section shall not exceed 50 years.

''(3) CONSIDERATION.—

''(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(i) in an amount equal to fair market value, as determined by the Secretary; and

''(ii) in the form of cash.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(I) deposited in a capital asset account to be established by the Secretary; and

''(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities covered by the lease.

''(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

''(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

''(A) the project to be carried out on property or at a facility covered by the lease;

''(B) provision and administration of the lease;

''(C) construction of any applicable real property;

''(D) provision of applicable utilities; and

''(E) any other facility cost normally associated with the operation of a leased facility.

''(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any property or facility covered by a lease under this section.

''(c) EFFECT OF OTHER LAWS.—

''(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329–417).

''(d) REPORTS.—

''(1) FISCAL YEARS 2008 THROUGH 2013.—For each of fiscal years 2008 through 2013, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the implementation of the pilot program under this section during the preceding fiscal year, including—

''(A) a copy of each lease entered into pursuant to this section;

''(B) an assessment by the Secretary of the success of the pilot program in promoting the mission of the Beltsville Agricultural Research Center and the National Agricultural Library; and

''(C) recommendations regarding whether the pilot program should be expanded or improved with respect to other Department activities.

''(2) FISCAL YEAR 2014 AND THEREAFTER.—For fiscal year 2014 and every 5 fiscal years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report described in paragraph (1) relating to the preceding 5-fiscal-year period.''.

SA 3682. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 1704, strike subsection (c) and insert the following:

(c) MODIFICATION OF LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2009 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $500,000.

''(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(B) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.''.

In section 1704, add at the end the following:

(e) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from the amendment made by subsection (c) are used in the State in which the savings were realized to provide additional funding in that State for, as determined by the Secretary—

(1) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); or

(2) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

SA 3683. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2017, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 30 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1942) for each of fiscal years 2008 through 2012.

SEC. 1942. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

''SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

''(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

''(B) making improvements to computer software and hardware;

''(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

''(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

''(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

''(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

''(i) integrates patient-specific clinical data with well-established national treatment guidelines;

''(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

''(iii) integrates with larger health networks.

''(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

''(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

''(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

''(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

''(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

''(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

''(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

''(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

''(F) a physician or physician group practice that is located in a rural area.

''(b) ESTABLISHMENT OF PROGRAM.—Using amounts provided under section 1941(b) of the Food and Energy Security Act of 2007, the Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

''(1) purchasing health information technology to improve the quality of health care or patient safety; or

''(2) otherwise improving the quality of health care or patient safety, including through the development of—

''(A) quality improvement support structures to assist rural health facilities and professionals—

''(i) to increase integration of personal and population health services; and

''(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

''(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

''(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

''(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

''(1) to evaluate the project for which the grant is used; and

''(2) to ensure that the grant is expended for the purposes for which the grant was provided.''.

SA 3684. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 172, strike line 5 and all that follows through page 173, line 12 and insert the following:

''(a) PROGRAM REQUIRED.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of Agriculture (referred to in this section as the 'Secretary') shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

''(2) IDENTIFICATION OF CERTAIN REGIONS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall identify regions in which a dairy producer has 3 or less viable purchasers of milk within typical transportation distances, as determined by the Secretary.

''(B) LIMITATION.—Subject to subparagraph (C), in establishing the program under paragraph (1), the Secretary shall allow producers and cooperative associations in regions identified by the Secretary under subparagraph (A) to enter into forward contracts for not more than 50 percent of the annual purchases of the producers and cooperative associations.

''(C) MODIFICATIONS.—If the Secretary determines that it could improve competition or make anti-competitive behavior less likely, the Secretary may—

''(i) increase the number of viable purchasers that may be considered under subparagraph (A); or

''(ii) decrease the percentage of forward contracts described in subparagraph (B).

''(3) SUBMISSION OF CONTRACTS.—

''(A) IN GENERAL.—As a condition of entering into a forward price contract described in paragraph (1), not later than 30 days after the date on which a milk producer or cooperative association of producers enters into the contract, the milk handler shall submit to the Secretary—

''(i) a copy of the contract; and

''(ii) such other supporting information as is necessary for the Secretary to fulfill the reporting requirements of subsection (f), as determined by the Secretary.

''(B) ADMINISTRATION.—Section 8d applies to a contract submitted under subparagraph (A).'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PILOT''; and

(B) in paragraph (1), by striking ''pilot'';

(4) by striking subsections (d) and (e); and

(5) by adding at the end the following:

''(d) VOLUNTARY PROGRAM.—

''(1) IN GENERAL.—A milk handler may not require participation in a forward price contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

''(2) EFFECT OF NONPARTICIPATION.—A producer or cooperative association that does not enter into a forward price contract may

continue to have milk priced under the minimum payment provisions of the applicable milk marketing order.

''(3) COMPLAINTS.—The Secretary shall—

''(A) investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward price contracts; and

''(B) if the Secretary finds evidence of coercion, take appropriate action.

''(e) DURATION.—No forward price contract under this section may—

''(1) be entered into after September 30, 2012; or

''(2) may extend beyond September 30, 2015.

''(f) REPORTING REQUIREMENTS.—

''(1) MONTHLY PRICE AND VOLUME REPORTS.—Each month, the Secretary shall make available to the public a report containing statistics on the volume and price of forward contracts during the preceding month, organized by—

''(A) State, if the number of contracts in the State is large enough to maintain confidentiality, as determined by the Secretary; or

''(B) region.

''(2) ANNUAL REPORT.—Each year, the Secretary shall make available to the public a report that—

''(A) includes a summary and analysis of the monthly price reports;

''(B) analyzes contract terms and price differentials based on the volume and length of the forward contracts; and

''(C) describes, by State or smaller area if possible (as determined by the Secretary), the percentage of milk under forward contracts.''.

SA 3685. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11____. GAO REPORT ON ACCESS TO HEALTH CARE FOR FARMERS.

(a) REPORT.—Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report on access to health care for rural Americans and farmers.

(b) CONSULTATION.—The report shall be done in consultation with the Rural Health Research Centers in the Department of Health and Human Services Office of Rural Health Policy.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of access to health care for rural Americans, including the following:

(A) An overview of the rates of the uninsured among people living in rural areas in the United States and possible factors that cause the uninsurance, specifically—

(i) a synthesis of existing research on the uninsured living in rural America; and

(ii) a detailed analysis of the uninsured and the factors that contribute in uninsurance in 3 to 4 rural areas.

(2) SECOND ASSESSMENT.—An assessment of access to health care for farmers, including the following:

(A) An overview of the rates of the uninsured among farmers in the United States and the factors that cause the uninsurance, specifically—

(i) factors, such as land assets, that keep low-income farmers from qualifying for public insurance programs;

(ii) the effects of the high price of health insurance for individuals purchasing in the individual, non-group market; and

(iii) any other significant factor that contributes to the rates of uninsurance among farmers.

(B) The extent to which farmers depend on a spouse's off-farm job for health care coverage.

(C) The effects of uninsurance on farmers and their families.

(3) ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress in supporting increased access to health insurance for farmers and their families, and rural Americans.

SA 3686. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1208, between lines 10 and 11, insert the following:

SEC. 10004. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

(a) IN GENERAL.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''Subtitle E—Ginseng

''SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

''(a) DEFINITIONS.—In this section:

''(1) GINSENG.—The term 'ginseng' means a plant classified within the genus Panax.

''(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) DISCLOSURE.—

''(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity or dehydrated whole root shall disclose to a potential purchaser the country of harvest of the ginseng.

''(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity or dehydrated whole root into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested.

''(c) MANNER OF DISCLOSURE.—

''(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

''(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

''(A) retain the means of disclosure provided under subsection (b); and

''(B) provide the received means of disclosure to a consumer of ginseng.

''(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

''(d) FINES.—The Secretary may, after providing notice and an opportunity for a hearing before the Secretary, fine a person subject to subsection (b), or a person supplying ginseng to such a person, in an amount of not more than $1,000 for each violation if the Secretary determines that the person—

''(1) has not made a good faith effort to comply with subsection (b); and

''(2) continues to willfully violate subsection (b).

''(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).''.

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

SA 3687. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1391, strike line 24 and all that follows through page 1392, line 7, and insert the following:

''(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to the excess of—

''(A) 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States, over

''(B) the sum of any amounts appropriated and designated as an emergency requirement during such fiscal years for assistance payments to eligible producers with respect to any losses described in subsections (b), (c), (d), or (e) of section 901.

SA 3688. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Housing Assistance Council Authorization Act of 2007''.

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) AUDIT.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SA 3689. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 12, insert the following:

(c) EFFECT OF SECTION.—Nothing in this section or an amendment made by this section limits the authority of any State to enforce a requirement that is more stringent than the requirements of this section and the amendment made by this section, if the State requirement is in existence on the date of enactment of this Act.

SA 3690. Mr. REED submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. INCLUSION OF SUBAQUEOUS SOILS.

Section 9 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590i) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary is authorized to'' and inserting the following:

''SEC. 9. SURVEYS, INVESTIGATIONS, AND REPORTS.

''(a) IN GENERAL.—The Secretary may'';

(2) in the second sentence, by striking ''Notwithstanding'' and inserting the following:

''(b) PUBLICATION OF INFORMATION.—Notwithstanding''; and

(3) by adding at the end the following:

''(c) INCLUSION OF SUBAQUEOUS SOILS.—

''(1) DEFINITION OF SUBAQUEOUS SOIL.—In this subsection, the term 'subaqueous soil' means any soil that forms in a shallow (typically less than 2.5 meters deep), permanently flooded environment.

''(2) REQUIREMENT.—In carrying out a soil survey pursuant to this Act, the Secretary shall include an analysis of subaqueous soils in the region subject to the survey, as applicable.

''(3) STANDARDS.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of this subsection, the Secretary, acting through the Chief of the Natural Resources Conservation Service, shall develop standards (including protocols, nomenclature, and interpretive materials) for the collection and maintenance of information relating to subaqueous soils in the United States for purposes of this subsection.

''(B) CONSULTATION.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall develop the standards under subparagraph (A) in consultation with appropriate Federal, State, and local agencies, nongovernmental organizations, and institutions of higher education.

''(4) CENTER FOR SUBAQUEOUS SOIL MAPPING, RHODE ISLAND.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall establish a center for subaqueous soil mapping in the State of Rhode Island.

''(B) DUTIES.—The center established under subparagraph (A) shall—

''(i) provide technology transfer leadership relating to subaqueous soil mapping throughout the United States, including by developing standards (including protocols, nomenclature, and interpretive materials) and mapping technologies relating to subaqueous soil mapping; and

''(ii) provide training and information to—

''(I) soil scientists employed by the Natural Resources Conservation Service; and

''(II) other individuals and entities involved in subaqueous soil mapping.''.

SA 3691. Mr. ENZI (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. CONRAD, Mr. JOHNSON, Mr. TESTER, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1234, between lines 11 and 12, insert the following:

SEC. 102___. LIMITATION ON USE OF FORWARD CONTRACTS.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192) (as amended by section 10207(a)), is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

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

''(g)(1) Use, in effectuating any sale of livestock, a forward contract that—

''(A) does not contain a firm base price that may be equated to a fixed dollar amount on the day on which the forward contract is entered into;

''(B) is not offered for bid in an open, public manner under which—

''(i) buyers and sellers have the opportunity to participate in the bid; more than 1 blind bid is solicited; and buyers and sellers may witness bids that are made and accepted;

''(ii) is based on a formula price; or

''(iii) provides for the sale of livestock in a quantity in excess of—

''(I)(aa) in the case of cattle, 40 cattle;

''(bb) in the case of swine, 30 swine; and

''(cc) in the case of other types of livestock, a comparable quantity of the type of livestock determined by the Secretary; or

''(II) such other quantity, as determined appropriate by the Secretary, except that

''(2) paragraph (1) shall not apply to—

''(A) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(i) own, feed, or control livestock; and

''(ii) provide the livestock to the cooperative for slaughter;

''(B) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(C) a packer that owns 1 livestock processing plant;''.

(b) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) (as amended by section 10203) is amended—

(1) by redesignating paragraphs (5) through (18) as paragraphs (7) through (20), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) FORMULA PRICE.—

''(A) IN GENERAL.—The term 'formula price' means any price term that establishes a base from which a purchase price is calculated on the basis of a price that will not be determined or reported until a date after the day the forward price is established.

''(B) EXCLUSION.—The term 'formula price' does not include—

''(i) any price term that establishes a base from which a purchase price is calculated on the basis of a futures market price; or

''(ii) any adjustment to the base for quality, grade, or other factors relating to the value of livestock or livestock products that are readily verifiable market factors and are outside the control of the packer.

''(6) FORWARD CONTRACT.—The term 'forward contract' means an oral or written contract for the purchase of livestock that provides for the delivery of the livestock to a packer at a date that is more than 7 days after the date on which the contract is entered into, without regard to whether the contract is for—

''(A) a specified lot of livestock; or

''(B) a specified number of livestock over a certain period of time.''.

SA 3692. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

Subtitle G—Temporary Repeal of Individual AMT

SEC. 12701. TEMPORARY REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

''For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2006, and before January 1, 2009, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

''(c) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

''(B) the tentative minimum tax for the taxable year.

''(2) TAXABLE YEARS BEGINNING AFTER 2006 AND BEFORE 2009.—In the case of any taxable year beginning after 2006 and before 2009, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subtitle H—Extension of Certain Expiring Provisions Through 2009

SEC. 12801. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to qualified clinical testing expenses) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 12802. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12803. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 12804. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 12805. MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2007.

SEC. 12806. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12807. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12808. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12809. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12810. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 12811. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12812. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12813. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 12814. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 12815. EXTENSION AND MODIFICATION OF CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subsection (e) of section 1397E (relating to limitation on amount of bonds designated) is amended by striking ''1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007'' and inserting ''each of calendar years 1998 through 2009''.

(b) MODIFICATION OF ARBITRAGE RULES.—

(1) IN GENERAL.—Subsection (g) of section 1397E (relating to special rules relating to arbitrage) is amended to read as follows:

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(2) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any investment of available project proceeds during the 5-year period described in subsection (f)(1)(A) (including any extension of such period under subsection (f)(2)).

''(3) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any fund which is expected to be used to repay such issue if—

''(A) such fund is funded at a rate not more rapid than equal annual installments,

''(B) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under subparagraph (C), and

''(C) the yield on such fund is not greater than the discount rate determined under subsection (d)(3) with respect to the issue.''.

(2) APPLICATION OF AVAILABLE PROJECT PROCEEDS TO OTHER REQUIREMENTS.—Subsections (d)(1)(A), (d)(2)(A), (f)(1)(A), (f)(1)(B), (f)(1)(C), and (f)(3) of section 1397E are each amended by striking ''proceeds'' and inserting ''available project proceeds''

(3) AVAILABLE PROJECT PROCEEDS DEFINED.—Subsection (i) of section 1397E (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).''.

(c) EFFECTIVE DATE.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2007.

(2) MODIFICATION OF ARBITRAGE RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 12816. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 12817. DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12818. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12819. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12820. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after December 31, 2007.

SEC. 12821. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''January 1, 2008'' each place it appears and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 12822. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 12823. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for services furnished after December 31, 2007.

SEC. 12824. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12825. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 12826. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 12827. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 12828. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 12829. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 12830. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) TECHNICAL AMENDMENT RELATED TO SECTION 1203 OF THE PENSION PROTECTION ACT OF 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b)shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

SEC. 12831. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 12832. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 12833. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 12834. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 12835. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 12836. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is

amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 12837. DISCLOSURE OF RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS.

(a) IN GENERAL.—The last sentence of paragraph (7) of section 6103(l) is amended by striking ''September 30, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 12838. RETURNS RELATING TO APPLICABLE INSURANCE CONTRACTS IN WHICH CERTAIN EXEMPT ORGANIZATIONS HOLD INTERESTS.

(a) IN GENERAL.—Section 6050V(e) (relating to termination) is amended by striking ''the date which is 2 years after the date of the enactment of this section'' and insert ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to reportable acquisitions occurring after August 17, 2008.

SEC. 12839. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2008.

SEC. 12840. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2008.

SEC. 12841. TREATMENT OF CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2008.

SEC. 12842. CONTROLLED FOREIGN CORPORATIONS.

(a) SUBPART F EXCEPTION FOR ACTIVE FINANCING.—

(1) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(A) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(B) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(2) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SA 3693. Mr. DEMINT submitted an amendment intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

Subtitle G—Repeal of Federal Estate and Gift Taxes

SEC. 12701. REPEAL OF FEDERAL ESTATE AND GIFT TAXES.

(a) IN GENERAL.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate, gift, and generation-skipping taxes) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation-skipping transfers made after the date of the enactment of this Act.

SA 3694. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 246, strike line 23 and all that follows through page 247, line 2, and insert the following:

''(c) MINIMUM GRANT AMOUNT.—

''(1) IN GENERAL.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least ½ of 1 percent of the total amount of funding made available to carry out this section for the fiscal year.

''(2) ELIGIBILITY OF SEAFOOD.—For purposes of providing grants to States under this subsection only, seafood shall be considered to be a specialty crop.'';

SA 3695. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 187, strike line 8 and all that follows through page 209, line 18, and insert the following:

SEC. 1703. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(A) IN GENERAL.—The term 'entity' means—

''(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b) or (c);

''(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

''(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

''(B) EXCLUSION.—The term 'entity' does not include a general partnership or joint venture.

''(C) ESTATES.—In promulgating regulations to define the term 'entity' as the term applies to estates, the Secretary shall ensure that fair and equitable treatment is given to estates and the beneficiaries of estates.

''(D) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term 'entity' as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.

''(2) INDIVIDUAL.—The term 'individual' means—

''(A) a natural person, and any minor child of the natural person (as determined by the Secretary), who, subject to the requirements of this section and section 1001A, is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d); and

''(B) a natural person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity (as determined by the Secretary).'';

(2) by striking subsection (b) and inserting the following:

''(b) LIMITATION ON DIRECT PAYMENTS.—The total amount of direct payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(2) of that Act, shall not exceed $20,000.'';

(3) by striking subsection (c) and inserting the following:

''(c) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A or C of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(3) of that Act, shall not exceed $30,000.'';

(4) by striking subsection (d) and inserting the following:

''(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that an individual or entity may receive during any crop year may not exceed $75,000:

''(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities and peanuts under part II of subtitle A of title I of the Food and Energy Security Act of 2007 at a lower level than the original loan rate established for the loan commodity under that subtitle.

''(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities and peanuts under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

''(2) Any loan deficiency payments received for 1 or more loan commodities and peanuts under that subtitle.

''(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities and peanuts, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle or section 1307 of that Act (7 U.S.C. 7957).'';

(5) by striking subsection (e);

(6) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively;

(7) by inserting after subsection (d) the following:

''(e) PAYMENTS TO INDIVIDUALS AND ENTITIES.—Notwithstanding, subsections (b) through (d), an individual or entity may receive, directly or indirectly, through all ownership interests of the individual or entity, from all sources, payments or gains (as applicable) for a crop year that shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (d), if an individual or entity participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the farming operation, the total amount of payments or gains (as applicable) covered by this section that the individual or entity may receive during any crop year shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(g) SPOUSAL EQUITY.—

''(1) IN GENERAL.—Notwithstanding subsections (b) through (f), except as provided in paragraph (2), if an individual and the spouse of the individual are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the individual and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(2) EXCEPTIONS.—

''(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate individual with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

''(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.

''(h) ATTRIBUTION OF PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to ensure that all payments or gains (as applicable) are attributed to an individual by taking into account the direct and indirect ownership interests of the individual in an entity that is eligible to receive such payments or gains (as applicable).

''(2) PAYMENTS TO AN INDIVIDUAL.—Every payment made directly to an individual shall be combined with the individual's pro rata interest in payments received by an entity or entities in which the individual has a direct or indirect ownership interest.

''(3) PAYMENTS TO AN ENTITY.—

''(A) IN GENERAL.—Every payment or gain (as applicable) made to an entity shall be attributed to those individuals who have a direct or indirect ownership in the entity.

''(B) ATTRIBUTION OF PAYMENTS.—

''(i) PAYMENT LIMITS.—Except as provided by clause (ii), payments or gains (as applicable) made to an entity shall not exceed twice the amounts specified in subsections (b) through (d).

''(ii) EXCEPTION.—Payments or gains (as applicable) made to a joint venture or a general partnership shall not exceed, for each payment or gain (as applicable) specified in subsections (b) through (d), the amount determined by multiplying twice the maximum payment amount specified in subsections (b), (c), and (d) by the number of individuals and entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

''(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED ENTITIES.—

''(A) IN GENERAL.—Attribution of payments or gains (as applicable) made to entities shall be traced through 4 levels of ownership in entities.

''(B) FIRST LEVEL.—Any payments or gains (as applicable) made to an entity (a first-tier entity) that is owned in whole or in part by an individual shall be attributed to the individual in an amount that represents the direct ownership in the first-tier entity by the individual.

''(C) SECOND LEVEL.—

''(i) IN GENERAL.—Any payments or gains (as applicable) made to a first-tier entity that is owned in whole or in part by another entity (a second-tier entity) shall be attributed to the second-tier entity in proportion to the ownership interest of the second-tier entity in the first-tier entity.

''(ii) OWNERSHIP BY INDIVIDUAL.—If the second-tier entity is owned in whole or in part by an individual, the amount of the payment made to the first-tier entity shall be attributed to the individual in the amount the Secretary determines to represent the indirect ownership in the first-tier entity by the individual.

''(D) THIRD AND FOURTH LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments or gains (as applicable) at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

''(ii) FOURTH-TIER OWNERSHIP BY ENTITY.—If the fourth-tier of ownership is that of a fourth-tier entity, the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that the Secretary determines to represent the indirect ownership in the first-tier entity by the fourth-tier entity.''; and

(8) in subsection (i) (as redesignated by paragraph (6)), by striking ''person'' and inserting ''individual or entity''.

(b) SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

''(a) SUBSTANTIVE CHANGE.—

''(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of individuals or entities (as defined in section 1001(a)) to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

''(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member (as defined in subsection (b)(2)(A)) to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

''(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 individual or entity, including the individual or entity that exercises primary control over the farming operation, including to respond to—

''(A)(i) any instance in which ownership of a farming operation is transferred to an individual or entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more entities at less than fair market value; and

''(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

''(B) a sale or exchange of any asset or ownership interest in 1 or more entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) through (d) of section 1001 with respect to a particular farming operation, an individual or entity (as defined in section 1001(a)) shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).'';

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) DEFINITIONS.—In this paragraph:

''(i) ACTIVE PERSONAL MANAGEMENT.—The term 'active personal management' means, with respect to an individual, administrative duties carried out by the individual for a farming operation—

''(I) that are personally provided by the individual on a regular, substantial, and continuing basis; and

''(II) relating to the supervision and direction of—

''(aa) activities and labor involved in the farming operation; and

''(bb) onsite services directly related and necessary to the farming operation.

''(ii) FAMILY MEMBER.—The term 'family member', with respect to an individual participating in a farming operation, means an individual who is related to the individual as a lineal ancestor, a lineal descendant, or a sibling (including a spouse of such an individual).

''(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

''(i) An individual shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the individual makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

''(aa) capital, equipment, or land; and

''(bb) personal labor and active personal management;

''(II) the share of the individual of the profits or losses from the farming operation is commensurate with the contributions of the individual to the operation; and

''(III) a contribution of the individual is at risk.

''(ii) An entity shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

''(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the entity each make a significant contribution of personal labor and active personal management to the operation; or

''(bb) in the case of an entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the entity makes a significant contribution of personal labor or active personal management; and

''(III) the entity meets the requirements of subclauses (II) and (III) of clause (i).'';

(ii) in subparagraph (C), by striking ''and the standards provided'' and all that follows through ''active personal management'' and inserting ''the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i)''; and

(iii) by adding at the end the following:

''(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), an individual shall be considered to be providing, on behalf of the individual or an entity, a significant contribution of personal labor or active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

''(I) 1,000 hours; and

''(II) a period of time equal to—

''(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

''(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in an entity in which all of the beneficial interests are held by family members, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

''(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of an individual or entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.'';

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) LANDOWNERS.—An individual or entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

''(i) the landowner share-rents the land at a rate that is usual and customary; and

''(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.'';

(ii) in subparagraph (B)—

(I) in the first sentence—

(aa) by striking ''persons, a majority of whom are individuals who'' and inserting ''individuals who are family members, or an entity the majority of the stockholders or members of which''; and

(bb) by striking ''standards provided in clauses (ii) and (iii) of paragraph (2)(A)'' and inserting ''requirements of subclauses (II) and (III) of paragraph (2)(B)(i)''; and

(II) by striking the second sentence; and

(iii) in subparagraph (C), by striking ''standards provided in clauses (ii) and (iii) of paragraph (2)(A)'' and inserting ''requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food and Energy Security Act of 2007'';

(D) in paragraph (4)—

(i) in the paragraph heading, by striking ''PERSONS'' and inserting ''INDIVIDUALS AND ENTITIES'';

(ii) in the matter preceding subparagraph (A), by striking ''persons'' and inserting ''individuals and entities''; and

(iii) by striking subparagraph (B) and inserting the following:

''(B) OTHER INDIVIDUALS AND ENTITIES.—Any other individual or entity, or class of individuals or entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.'';

(E) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(F) by inserting after paragraph (4) the following:

''(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for individuals or entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001.''; and

(G) in paragraph (6) (as redesignated by subparagraph (E))—

(i) in the first sentence—

(I) by striking ''A person'' and inserting ''An individual or entity''; and

(II) by striking ''such person'' and inserting ''the individual or entity''; and

(ii) by striking the second sentence; and

(3) by adding at the end the following:

''(c) NOTIFICATION BY ENTITIES.—To facilitate the administration of this section, each entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

''(1) notify each individual or other entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

''(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires such a beneficial interest.''.

(c) SCHEMES OR DEVICES.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''If'';

(2) in subsection (a) (as designated by paragraph (1)), by striking ''person'' each place it appears and inserting ''individual or entity''; and

(3) by adding at the end the following:

''(b) EXTENDED INELIGIBILITY.—If the Secretary determines that an individual or entity, for the benefit of the individual or entity or of any other individual or entity, has knowingly engaged in, or aided in the creation of fraudulent documents, failed to disclose material information relevant to the administration of this subtitle requested by the Secretary, or committed other equally serious actions as identified in regulations issued by the Secretary, the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the individual or entity.

''(c) FRAUD.—If fraud is committed by an individual or entity in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the individual or entity shall be ineligible to receive farm program payments described as being subject to limitation in subsection (b), (c), or (d) of section 1001 for—

''(1) the crop year for which the scheme or device is adopted; and

''(2) the succeeding 5 crop years.

''(d) JOINT AND SEVERAL LIABILITY.—Any individual or entity that participates in a scheme or device described in subsection (a) or (b) shall be jointly and severally liable for any and all overpayments resulting from the scheme or device, and subject to program ineligibility resulting from the scheme or device, regardless of whether a particular individual or entity was a payment recipient.

''(e) WAIVER AUTHORITY.—

''(1) IN GENERAL.—The Secretary may fully or partially release an individual or entity from liability for repayment of program proceeds under subsection (d) if the individual or entity cooperates with the Department of Agriculture by disclosing a scheme or device to evade section 1001, 1001A, or 1001C or any other provision of law administered by the Secretary that imposes a payment limitation.

''(2) DISCRETION.—The decision of the Secretary under this subsection is vested in the sole discretion of the Secretary.''.

(d) FOREIGN INDIVIDUALS AND ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.—Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308–3) is amended—

(1) in the section heading, by striking ''**PERSONS**'' and inserting ''**INDIVIDUALS AND ENTITIES**'';

(2) in subsection (a), by striking ''person'' each place it appears and inserting ''individual'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''CORPORATION OR OTHER''; and

(B) in the first sentence—

(i) by striking ''a corporation or other entity shall be considered a person that'' and inserting ''an entity''; and

(ii) by striking ''persons'' both places it appears and inserting ''individuals''; and

(4) in subsection (c), by striking ''person'' and inserting ''entity or individual''.

(e) TREATMENT OF MULTIYEAR PROGRAM CONTACT PAYMENTS.—Section 1001F of the Food Security Act of 1985 (7 U.S.C. 1308–5) is repealed.

(f) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) (as amended by section 1812), an additional $5,000,000 for each of fiscal years 2009 through 2011;

(2) the national organic certification cost-share program established under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) (as amended by section 1823), an additional $3,000,000 for fiscal year 2012;

(3) the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security

Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program''), an additional—

(A) $17,000,000 for each of fiscal years 2009 and 2010; and

(B) $18,000,000 for fiscal year 2011;

(4) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $45,000,000 for the period of fiscal years 2008 through 2012;

(5) the availability of commodities for the emergency food assistance program under section 27(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2036(a)) (as amended by section 4110(a)), an additional $63,000,000 for each of fiscal years 2013 through 2017;

(6) the emergency food assistance program under section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) (as amended by section 4802(a)), an additional—

(A) $13,000,000 for fiscal year 2009;

(B) $14,000,000 for each of fiscal years 2010 and 2011; and

(C) $15,000,000 for fiscal year 2012;

(7) the improvements to the food and nutrition program made by sections 4103, 4108, 4110(a)(2), 4208, and 4801(g) (and the amendments made by those sections) without regard to section 4908(b);

(8) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2009 through 2012;

(9) the determination on the merits of Pigford claims under section 5402, an additional $20,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 and 2010 (including by providing an increased maximum amount under subsection (c)(2) of that section of $200,000,000);

(10) the rural microenterprise assistance program established under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022), an additional $40,000,000 for fiscal year 2009; and

(11) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2009 through 2012.

SA 3696. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Disaster Loan Program

SEC. 11101. SHORT TITLE.

This subtitle may be cited as the ''Small Business Disaster Response and Loan Improvements Act of 2007''.

SEC. 11102. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Small Business Act catastrophic national disaster'' means a Small Business Act catastrophic national disaster declared under section 7(b)(11) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(3) the term ''declared disaster'' means a major disaster or a Small Business Act catastrophic national disaster;

(4) the term ''disaster area'' means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(5) the term ''disaster loan program of the Administration'' means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(6) the term ''disaster update period'' means the period beginning on the date on which the President declares a major disaster or a Small Business Act catastrophic national disaster and ending on the date on which such declaration terminates;

(7) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(8) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(9) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 11121. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.''.

SEC. 11122. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this Act, the following:

''(5) INCREASED LOAN CAPS.—

''(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

''(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.''.

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting ''of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)'' after ''20 per centum''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the, Administration'' and inserting ''the Administration'';

(2) in paragraph (2)(A), by striking ''Disaster Relief and Emergency Assistance Act'' and inserting ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in this subsection referred to as a 'major disaster')''; and

(3) in the undesignated matter at the end—

(A) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(B) by striking '', (2), or (4)'' and inserting ''(2)''.

SEC. 11123. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking ''as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability'' and inserting ''due to events that have resulted or will result in, business or government facility downsizing or closing''; and

(2) by adding at the end ''At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.''.

SEC. 11124. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''At the discretion'' and inserting the following: ''SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DURING DISASTERS.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

SEC. 11125. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may carry out subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon

conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 11126. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 11127. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007''.

SEC. 11128. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking ''$10,000 or less'' and inserting ''$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a Small Business Act catastrophic national disaster declared under subsection (b)(11))''.

SEC. 11129. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

''(6) COORDINATION WITH FEMA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a Small Business Act catastrophic national disaster) declared under this subsection or major disaster, the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

''(B) DEADLINES.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including a Small Business Act catastrophic national disaster), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

''(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

''(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

''(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

''(7) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a Small Business Act catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

''(A) the date of such declaration;

''(B) cities and towns within the area of such declaration;

''(C) loan application deadlines related to such disaster;

''(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

''(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

''(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

''(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.''.

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 11130. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 11131. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

''(8) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

''(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the contractor a fee for each loan processed.

''(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.''.

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 11132. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the ''disaster response plan'') to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than 6 months after the date of the submission of the report under subsection (a)(2), the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 11133. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The Administrator shall specifically assign the disaster planning responsibilities described in subsection (b) to an employee of the Administration who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) shall report directly to the Administrator; and

(3) has a background and expertise demonstrating significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The responsibilities described in this subsection are—

(1) creating and maintaining the comprehensive disaster response plan of the Administration;

(2) ensuring in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing Administration training exercises, including mock disaster responses, with other Federal agencies; and

(4) other responsibilities, as determined by the Administrator.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an employee under subsection (a);

(2) information detailing the background and expertise of the employee assigned under subsection (a); and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 11134. ADDITIONAL AUTHORITY FOR DISTRICT OFFICES OF THE ADMINISTRATION.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

''(9) USE OF DISTRICT OFFICES.—In the event of a major disaster, the Administrator may authorize a district office of the Administration to process loans under paragraph (1) or (2).''.

(b) DESIGNATION.—

(1) IN GENERAL.—The Administrator may designate an employee in each district office of the Administration to act as a disaster loan liaison between the disaster processing center and applicants under the disaster loan program of the Administration.

(2) RESPONSIBILITIES.—Each employee designated under paragraph (1) shall—

(A) be responsible for coordinating and facilitating communications between applicants under the disaster loan program of the Administration and disaster loan processing staff regarding documentation and information required for completion of an application; and

(B) provide information to applicants under the disaster loan program of the Administration regarding additional services and benefits that may be available to such applicants to assist with recovery.

(3) OUTREACH.—In providing outreach to disaster victims following a declared disaster, the Administrator shall make disaster victims aware of—

(A) any relevant employee designated under paragraph (1); and

(B) how to contact that employee.

SEC. 11135. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9), as added by this Act, the following:

''(10) DISASTER ASSISTANCE EMPLOYEES.—

''(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

''(i) in the Office of the Disaster Assistance is not fewer than 800; and

''(ii) in the Disaster Cadre of the Administration is not fewer than 750.

''(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

''(i) detailing staffing levels on that date;

''(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

''(iii) containing such additional information, as determined appropriate by the Administrator.''.

PART II—DISASTER LENDING

SEC. 11141. SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

''(11) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTERS.—

''(A) IN GENERAL.—The President may make a Small Business Act catastrophic national disaster declaration in accordance with this paragraph.

''(B) PROMULGATION OF RULES.—

''(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, with the concurrence of the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a Small Business Act catastrophic national disaster declaration.

''(ii) CONSIDERATIONS.—In promulgating the regulations required under clause (i), the Administrator shall establish a threshold that—

''(I) requires that the incident for which the President declares a Small Business Act catastrophic national disaster declaration under this paragraph has resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

''(II) requires that the President declares a major disaster before making a Small Business Act catastrophic national disaster declaration under this paragraph;

''(III) requires consideration of—

''(aa) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

''(bb) the number of small business concerns damaged, physically or economically, as a direct result of the event;

''(cc) the number of individuals and households displaced from their predisaster residences by the event;

''(dd) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

''(ee) the anticipated length and difficulty of the recovery process;

''(ff) whether the events leading to the relevant major disaster declaration are of an unusually large and calamitous nature that is orders of magnitude larger than for an average major disaster; and

''(gg) any other factor determined relevant by the Administrator.

''(C) AUTHORIZATION.—If the President makes a Small Business Act catastrophic national disaster declaration under this paragraph, the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that Small Business Act catastrophic national disaster.

''(D) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).''.

SEC. 11142. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) PRIVATE DISASTER LOANS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'disaster area' means any area for which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) that subsequently results in the President making a Small Business Act catastrophic national disaster declaration under subsection (b)(11);

''(B) the term 'eligible small business concern' means a business concern that is—

''(i) a small business concern, as defined in this Act; or

''(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

''(C) the term 'qualified private lender' means any privately-owned bank or other

lending institution that the Administrator determines meets the criteria established under paragraph (9).

''(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

''(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

''(4) ONLINE APPLICATIONS.—

''(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

''(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

''(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

''(5) MAXIMUM AMOUNTS.—

''(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

''(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

''(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

''(A) 15 years for any loan that is issued without collateral; and

''(B) 25 years for any loan that is issued with collateral.

''(7) FEES.—

''(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

''(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

''(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

''(9) IMPLEMENTATION REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

''(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(10) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

''(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the rate of interest for any loan guaranteed under this subsection by not more than 3 percentage points.

''(11) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender to purchase any loan issued under this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 11143. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(B) in paragraph (2)—

(i) by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(ii) by striking ''7(e),''; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking ''That the provisions of paragraph (1) of subsection (c)'' and inserting ''That the provisions of paragraph (1) of subsection (d)''; and

(B) by striking ''Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c),'' and inserting ''Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)''.

SEC. 11144. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''immediate disaster assistance'' means assistance provided during the period beginning on the date on which the President makes a Small Business Act catastrophic disaster declaration under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term ''program'' means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 11145. HUBZONES.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''or'';

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(F) areas in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8); or

''(G) Small Business Act catastrophic national disaster areas.'';

(2) in paragraph (4), by adding at the end the following:

''(E) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER AREA.—

''(i) IN GENERAL.—The term 'Small Business Act catastrophic national disaster area' means an area—

''(I) affected by a Small Business Act catastrophic national disaster declared under section 7(b)(11), during the time period described in clause (ii); and

''(II) for which the Administrator determines that designation as a HUBZone would substantially contribute to the reconstruction and recovery effort in that area.

''(ii) TIME PERIOD.—The time period for the purposes of clause (i)—

''(I) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

''(II) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subclause (I).''; and

(3) by adding at the end the following:

''(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

''(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

''(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.''.

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

''(iii)(I) For purposes of this subparagraph, if the Administrator designates an area as a HUBZone under section 3(p)(4)(E)(i)(II), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

''(aa) that is participating in any program, activity, or contract under section 8(a); and

''(bb) the principal place of business of which is located in that area.

''(II) The time period for purposes of subclause (I)—

''(aa) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

''(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).''.

(c) STUDY OF HUBZONE DISASTER AREAS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives evaluating the designation by the Administrator of Small Business Act catastrophic national disaster areas, as that term is defined in section 3(p)(4)(E) of the Small Business Act (as added by this Act), as HUBZones.

PART III—DISASTER ASSISTANCE OVERSIGHT

SEC. 11161. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(e) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under

the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

SA 3697. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. GREGG, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 82____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

''(f) PLANT.—

''(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

''(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

''(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

''(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).'';

(B) in subsection (h), by inserting ''also'' after ''plants the term''; and

(C) by striking subsection (j) and inserting the following:

''(j) TAKE.—The term 'take' means—

''(1) to capture, kill, or collect; and

''(2) with respect to a plant, also to harvest, cut, log, or remove.'';

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) to possess any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(B) by adding at the end the following:

''(f) PLANT DECLARATIONS.—

''(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

''(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

''(B) a description of—

''(i) the value of the importation; and

''(ii) the quantity, including the unit of measure, of the plant; and

''(C) the name of the country from which the plant was taken.

''(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

''(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

''(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

''(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

''(4) REVIEW.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

''(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

''(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

''(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

''(5) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

''(i) an evaluation of—

''(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

''(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

''(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

''(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

''(I) the cost of legal plant imports; and

''(II) the extent and methodology of illegal logging practices and trafficking.

''(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

''(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

''(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

''(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

''(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.'';

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (f)'';

(B) by striking ''section 3(d)'' each place it appears and inserting ''subsection (d) or (f) of section 3''; and

(C) in subsection (a)(2), by striking ''subsection 3(b)'' and inserting ''subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),'';

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

''(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.''; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking ''section 4'' and inserting ''section 3(f), section 4,''.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended by striking ''(other than section 3(b))'' and inserting ''(other than subsection 3(b))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

SA 3698. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

''(f) PLANT.—

''(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

''(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

''(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

''(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).'';

(B) in subsection (h), by inserting ''also'' after ''plants the term''; and

(C) by striking subsection (j) and inserting the following:

''(j) TAKE.—The term 'take' means—

''(1) to capture, kill, or collect; and

''(2) with respect to a plant, also to harvest, cut, log, or remove.'';

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) to possess any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(B) by adding at the end the following:

''(f) PLANT DECLARATIONS.—

''(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

''(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

''(B) a description of—

''(i) the value of the importation; and

''(ii) the quantity, including the unit of measure, of the plant; and

''(C) the name of the country from which the plant was taken.

''(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

''(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

''(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

''(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

''(4) REVIEW.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

''(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

''(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

''(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

''(5) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

''(i) an evaluation of—

''(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

''(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

''(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

''(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

''(I) the cost of legal plant imports; and

''(II) the extent and methodology of illegal logging practices and trafficking.

''(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

''(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

''(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

''(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

''(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.'';

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (f)'';

(B) by striking ''section 3(d)'' each place it appears and inserting ''subsection (d) or (f) of section 3''; and

(C) in subsection (a)(2), by striking ''subsection 3(b)'' and inserting ''subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),'';

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

''(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.''; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking ''section 4'' and inserting ''section 3(f), section 4,''.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended by striking ''(other than section 3(b))'' and inserting ''(other than subsection 3(b))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

SA 3699. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title IV, add the following:

SEC. 4_____. INFRASTRUCTURE AND TRANSPORTATION GRANTS TO SUPPORT RURAL FOOD BANK DELIVERY OF HEALTHY PERISHABLE FOODS.

(a) PURPOSE.—The purpose of this section is to provide grants to State and local food banks and other emergency feeding organizations (as defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501))—

(1) to support and expand the efforts of food banks operating in rural areas to procure and transport highly perishable and healthy food;

(2) to improve identification of potential providers of donated food and to enhance the nonprofit food donation system, particularly in and for rural areas; and

(3) to support the procurement of locally produced food from small and family farms and ranches for distribution to needy people.

(b) DEFINITION OF TIME-SENSITIVE FOOD PRODUCT.—

(1) IN GENERAL.—In this section, the term ''time-sensitive food product'' means a fresh,

raw, or processed food with a short time limitation for safe and acceptable consumption, as determined by the Secretary.

(2) INCLUSIONS.—The term ''time-sensitive food product'' includes—

(A) fruits;

(B) vegetables;

(C) dairy products;

(D) meat;

(E) fish; and

(F) poultry.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to expand the capacity and infrastructure of food banks, statewide food bank associations, and regional food bank collboratives that operate in rural areas to improve the capacity of the food banks to receive, store, distribute, track, collect, and deliver time-sensitive food products made available from national and local food donors.

(2) MAXIMUM AMOUNT.—The maximum amount of a grant provided under this subsection shall be not more than $1,000,000 for a fiscal year.

(3) USE OF FUNDS.—A food bank may use a grant provided under this section for—

(A) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

(B) capital, infrastructure, and operating costs associated with—

(i) the collection and transportation of time-sensitive food products; or

(ii) the storage and distribution of time-sensitive food products;

(C) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of—

(i) small, midsize, or family farms and ranches;

(ii) fisheries and aquaculture; and

(iii) donations from local food producers and manufacturers to persons in need;

(D) providing recovered healthy foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States; and

(E) improving the identification of—

(i) potential providers of donated foods;

(ii) potential nonprofit emergency food providers; and

(iii) persons in need of emergency food assistance in rural areas.

(d) AUDITS.—The Secretary shall establish fair and reasonable procedures to audit the use of funds made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SA 3700. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

Subtitle G—Kansas Disaster Tax Relief Assistance

SEC. 12701. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados'' for ''on or after August 25, 2005, by reason of Hurricane Katrina''.

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,

(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),

(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and

(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and

(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,

(D) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(E) by substituting ''beginning on May 4, 2007, and ending on November 5, 2007'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(F) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(G) by substituting ''December 31, 2007'' for ''December 31, 2006'' in subsection (c)(2)(A),

(H) by substituting ''beginning on June 4, 2007, and ending on December 31, 2007'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(I) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(J) by substituting ''January 1, 2008'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

SA 3701. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

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

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary shall not obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) COST OF CANCELLATION OR TERMINATION.—The costs of any cancellation or termination of a multiyear stewardship contract may be paid from any appropriations that are made available to the Forest Service.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds

under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary shall seek a supplemental appropriation.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

SA 3702. Ms. SNOWE (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term ''advisory committee'' means the General Advisory Committee for Oversight of National Aquatic Animal Health established under subsection (b)(1).

(2) PLAN.—The term ''plan'' means the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, composed of representatives of the Department of Agriculture, the Department of Commerce (including the National Oceanic and Atmospheric Administration), and the Department of the Interior (including the United States Fish and Wildlife Service).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

(b) GENERAL ADVISORY COMMITTEE FOR OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with States and the private sector, shall establish an advisory committee, to be known as the ''General Advisory Committee for Oversight of National Aquatic Animal Health''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The advisory committee shall—

(i) be composed equally of representatives of—

(I) State and tribal governments; and

(II) commercial aquaculture interests; and

(ii) consist of not more than 20 members, to be appointed by the Secretary, of whom—

(I) not less than 3 shall be representatives of Federal departments or agencies;

(II) not less than 6 shall be representatives of State or tribal governments that elect to participate in the plan under subsection (d);

(III) not less than 6 shall be representatives of affected commercial aquaculture interests; and

(IV) not less than 2 shall be aquatic animal health experts, as determined by the Secretary.

(B) NOMINATIONS.—The Secretary shall publish in the Federal Register a solicitation for, and may accept, nominations for members of the advisory committee from appropriate entities, as determined by the Secretary.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the advisory committee shall develop and submit to the Secretary recommendations regarding—

(A) the establishment and membership of appropriate expert and representative commissions to efficiently implement and administer the plan;

(B) disease- and species-specific best management practices relating to activities carried out under the plan; and

(C) the establishment and administration of the indemnification fund under subsection (e).

(2) FACTORS FOR CONSIDERATION.—In developing recommendations under paragraph (1), the advisory committee shall take into consideration all emergency aquaculture-related projects that have been or are being carried out under the plan as of the date of submission of the recommendations.

(3) REGULATIONS.—After consideration of the recommendations submitted under this subsection, the Secretary shall promulgate regulations to establish a national aquatic animal health improvement program, in accordance with the Animal Health Protection Act (7 U.S.C. 8301 et seq.).

(d) PARTICIPATION BY STATE AND TRIBAL GOVERNMENTS AND PRIVATE SECTOR.—

(1) IN GENERAL.—Any State or tribal government, and any entity in the private sector, may elect to participate in the plan.

(2) DUTIES.—On election by a State or tribal government or entity in the private sector to participate in the plan under paragraph (1), the State or tribal government or entity shall—

(A) submit to the Secretary—

(i) a notification of the election; and

(ii) nominations for members of the advisory committee, as appropriate; and

(B) as a condition of participation, enter into an agreement with the Secretary under which the State or tribal government or entity—

(i) assumes responsibility for a portion of the non-Federal share of the costs of carrying out the plan, as described in paragraph (3); and

(ii) agrees to act in accordance with applicable disease- and species-specific best management practices relating to activities carried out under the plan by the State or tribal government or entity, as the Secretary determines to be appropriate.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out the plan—

(i) shall be determined—

(I) by the Secretary, in consultation with the advisory committee; and

(II) on a case-by-case basis for each project carried out under the plan; and

(ii) may be provided by State and tribal governments and entities in the private sector in cash or in-kind.

(B) DEPOSITS INTO INDEMNIFICATION FUND.—The non-Federal share of amounts in the indemnification fund provided by each State or tribal government or entity in the private sector shall be—

(i) zero with respect to the initial deposit into the fund; and

(ii) determined on a case-by-case basis for each project carried out under the plan.

(e) INDEMNIFICATION FUND.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the advisory committee, shall establish a fund, to be known as the ''indemnification fund'', consisting of such amounts as are initially deposited into the fund by the Secretary under subsection (g)(1).

(2) USES.—The Secretary shall use amounts in the indemnification fund only to compensate aquatic farmers—

(A) the entire inventory of livestock or gametes of which is eradicated as a result of a disease control or eradication measure carried out under the plan; or

(B) for the cost of disinfecting, destruction, and cleaning products or equipment in response to a depopulation order carried out under the plan.

(3) UNUSED AMOUNTS.—Amounts remaining in the indemnification fund on September 30 of the fiscal year for which the amounts were appropriated—

(A) shall remain in the fund;

(B) may be used in any subsequent fiscal year in accordance with paragraph (2); and

(C) shall not be reprogrammed by the Secretary for any other use.

(f) REVIEW.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the advisory committee, shall review, and submit to Congress a report regarding—

(1) activities carried out under the plan during the preceding 2 years;

(2) activities carried out by the advisory committee; and

(3) recommendations for funding for subsequent fiscal years to carry out this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 and 2009, of which—

(1) not less than 50 percent shall be deposited into the indemnification fund established under subsection (e) for use in accordance with that subsection; and

(2) not more than 50 percent shall be used for the costs of carrying out the plan, including the costs of—

(A) administration of the plan;

(B) implementation of the plan;

(C) training and laboratory testing;

(D) cleaning and disinfection associated with depopulation orders; and

(E) public education and outreach activities.

SA 3703. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1363, strike line 7 and all that follows through page 1395, line 19 and insert the following:

Subtitle A—Individuals With Disabilities Education Trust Fund

SEC. 12101. ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES.

The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE IX—ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES

''SEC. 901. INDIVIDUALS WITH DISABILITIES EDUCATION TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Individuals with Disabilities Education Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

''(b) TRANSFER TO TRUST FUND.—

''(1) IN GENERAL.—There are appropriated to the Individuals with Disabilities Education Trust Fund amounts equivalent to 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

''(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Individuals with Disabilities Education Trust Fund on the basis

of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(c) REPORTS.—The Secretary of the Treasury shall be the trustee of the Individuals with Disabilities Education Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

''(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Individuals with Disabilities Education Trust Fund shall be available to the Secretary of Education to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(e) AUTHORITY TO BORROW.—

''(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Individuals with Disabilities Education Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the Individuals with Disabilities Education Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

''(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

''(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

''(ii) compounded annually.''.

SA 3704. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

On page 21, line 23, strike ''camelina,''.

On page 23, strike lines 7 through 9.

On page 24, strike lines 18 and 19.

On page 24, line 20, strike ''(D)'' and insert ''(C)''.

On page 26, strike lines 6 through 10.

On page 26, line 6, strike ''(E)'' and insert ''(D)''.

Beginning on page 27, strike line 12 and all that follows through page 29, line 20.

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

On page 35, strike lines 8 through 13.

On page 85, strike lines 4 and 5.

On page 85, line 6, strike ''(D)'' and insert ''(C)''.

On page 86, strike lines 18 through 22.

On page 86, line 23, strike ''(E)'' and insert ''(D)''.

Beginning on page 217, strike line 13 and all that follows through page 219, line 24.

On page 220, line 22, strike ''pulse crops,''.

Beginning on page 254, strike line 19 and all that follows through page 255, line 22.

SA 3705. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMMODITY PAYMENTS FOR FARM OPERATIONS IN A SANCTUARY CITY.

(a) PROHIBITION.—No type of price support, loan, or payment made available under title I of the Food and Energy Security Act of 2007 (or an amendment made by that title), the Commodity Credit Charter Act (15 U.S.C. 714 et seq.), or any other Act may be made available to a producer for a fiscal year on the basis of the operations of a farm located in a sanctuary city unless the producer submits a certification described in subsection (c) for such fiscal year.

(b) SANCTUARY CITY DEFINED.—In this section, the term ''sanctuary city'' means a subdivision of a State that prohibits the employees of such subdivision, including law enforcement officers, from seeking information from an individual regarding the individual's immigration status or providing such information to an appropriate employee of an agency or department of the United States.

(c) CERTIFICATION.—A certification described in this subsection is a certification submitted to the Secretary of Agriculture by a producer for a fiscal year that the operations described in subsection (a) have not employed within the past 12 months, or have utilized a contractor or subcontractor that has employed within the past 12 months, an alien who was unlawfully present in the United States at the time such alien was hired.

SA 3706. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 444, after line 22, insert the following:

SEC. 2____. DISCOVERY WATERSHED-ESTUARY ECOSYSTEM PROTECTION DEMONSTRATION PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

''SEC. 1240T. DISCOVERY WATERSHED-ESTUARY ECOSYSTEM PROTECTION DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Commerce and the Administrator of the National Oceanic and Atmospheric Administration, shall establish and carry out a demonstration program in not less than 30 coastal watersheds throughout the United States to achieve the purposes described in subsection (b).

''(b) PURPOSES.—The purposes of the demonstration program under this section are—

''(1) to prevent the impacts of nutrients, soil pollutants, anthropogenic airborne contaminants, and agricultural products on sensitive estuarine ecosystems located downstream in coastal watersheds;

''(2) to monitor the effect of waterborne and airborne agents on the watersheds of estuarine ecosystems;

''(3) to model the impacts on watersheds of estuarine ecosystems using information made available to managers, decisionmakers, and related stakeholders;

''(4) to mitigate those impacts using innovative environmental technologies; and

''(5) to assess the cost-effectiveness and performance of those technologies to provide guidance with respect to the implementation of best practices.

''(c) INTERAGENCY AGREEMENTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall enter into an agreement with the Secretary of Commerce and the Administrator of the National Oceanic and Atmospheric Administration to carry out this section.

''(2) CONTENTS.—The agreement entered into under paragraph (1) shall, to the maximum extent practicable—

''(A) facilitate coordination among research programs within agencies to ensure the success of the demonstration program under this section;

''(B) ensure the use of the best efforts of each applicable department and agency to integrate the sharing of information and best practices;

''(C) require the provision of timely, evaluated information to assist the Secretary in assessing the cost-effectiveness and performance of the demonstration program under this section;

''(D) provide for specific connectivity for research programs within the National Oceanic and Atmospheric Administration; and

''(E) facilitate the leveraging of resources in support of the demonstration program under this section.

''(d) SELECTION OF COASTAL WATERSHEDS.—

''(1) IN GENERAL.—In selecting the 30 coastal watersheds for purposes of subsection (a), the Secretary shall take into consideration the extent to which—

''(A) reducing impacts on an estuarine ecosystem of a coastal watershed is possible;

''(B) a project carried out at a coastal watershed under the demonstration program—

''(i) would use innovative approaches to attract a high level of participation in the watershed to ensure success;

''(ii) could be implemented through a third party, including—

''(I) the National Oceanic and Atmospheric Administration;

''(II) a unit of State or local government;

''(III) a conservation organization; or

''(IV) another organization with appropriate expertise;

''(iii) would leverage funding from Federal, State, local, and private sources; and

''(iv) would demonstrate best practices to manage—

''(I) pollutant impact and habitat restoration;

''(II) coastal and estuarine environmental technology evaluations and adoption;

''(III) watershed modeling from whitewater to bluewater; and

''(IV) air mass contaminant monitoring;

''(C) baseline data relating to water quality and agricultural practices and contributions from nonagricultural sources relevant to the watershed has been collected or could be readily collected; and

''(D) water and air quality monitoring infrastructure is in place or could reasonably be put in place in a small watershed.

''(2) REQUIREMENT.—The Secretary shall select to participate in the demonstration program under this section each coastal watershed that is challenged with an anthropogenic input, including the coastal watersheds of—

''(A) the Gulf of Maine;

''(B) Long Island Sound;

''(C) Chesapeake Bay; and

''(D) coastal Georgia, Mississippi, and South Carolina.

''(e) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section in each coastal watershed selected for purposes of subsection (a)—

''(1) to support demonstration projects in the coastal watershed;

''(2) to provide and assess financial incentives for leveraging the demonstration projects;

''(3) to monitor the performance and costs of best practices; and

''(4) to provide the Federal share of the cost of data collection, monitoring, and analysis.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not less than $30,000,000 shall be made available to the National Oceanic and Atmospheric Administration for each fiscal year to support the demonstration program under this section.''.

SA 3707. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMMODITY PAYMENTS FOR FARM OPERATIONS IN A SANCTUARY CITY.

No type of price support, loan, or payment made available under title I of the Food and Energy Security Act of 2007 (or an amendment made by that title), the Commodity Credit Charter Act (15 U.S.C. 714 et seq.), or any other Act may be made available to a producer on the basis of the operations of a farm located in a subdivision of a State that prohibits the employees of such subdivision, including law enforcement officers, from seeking information from an individual regarding the individual's immigration status or providing such information to an appropriate employee of an agency or department of the United States.

SA 3708. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 17, insert ''wild salmon,'' after ''nursery crops,''.

SA 3709. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 402, strike lines 17 through 21 and insert the following:

(iv) allow for monitoring and evaluation;

(v) assist producers in meeting Federal, State, and local regulatory requirements; and

(vi) assist producers in enhancing fish and wildlife habitat.

SA 3710. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 32___. CORRECTIVE LEGISLATION.

(a) DEFINITION OF JOINT RESOLUTION.—In this section, the term ''joint resolution'' means only a joint resolution introduced during the 90-day period beginning on the date on which the report referred to in subsection (b) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ''That Congress approves the draft legislation included in the report required under section ___(b) of the Food and Energy Security Act of 2007 submitted by the President to Congress on _____, and the legislation shall have force and effect.'' (The blank spaces being appropriately filled in).

(b) REPORT.—Not later than 90 days after the date of final adjudication of any appeals by the President relating to a finding that any United States commodity program is in violation of a trading rule of the World Trade Organization, the President may submit to each House of Congress a report that includes—

(1) a notification of any effective date of sanctions to be imposed for failure to correct the violation; and

(2) draft legislation for use in correcting the violation.

(c) CONGRESSIONAL ACTION.—Subject to subsection (f), if Congress receives a notification described in subsection (b)(1), the approval of Congress of the draft legislation submitted under subsection (b)(2) shall be effective if, and only if, a joint resolution is enacted into law pursuant to subsections (d) and (e).

(d) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

(A) a joint resolution is adopted under subsection (e); and

(B)(i) Congress transmits the joint resolution to the President before the end of the 90-day period beginning on the date on which Congress receives the report of the President under subsection (b); and

(ii)(I) the President signs the joint resolution; or

(II) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of—

(aa) the last day of the 90-day period referred to in clause (i); or

(bb) the last day of the 15-day period beginning on the date on which Congress receives the veto message from the President.

(2) INTRODUCTION.—A joint resolution to which this subsection applies may be introduced at any time on or after the date on which Congress receives the report of the President under subsection (b).

(e) JOINT RESOLUTION.—

(1) PROCEDURES.—

(A) IN GENERAL.—Joint resolutions—

(i) may be introduced in either House of Congress by any Member of such House; and

(ii) shall be referred—

(I) to the Committee on Agriculture of the House of Representatives, if the joint resolution is introduced in the House of Representatives; or

(II) to the Committee on Agriculture, Nutrition, and Forestry of the Senate, if the joint resolution is introduced in the Senate.

(B) APPLICATION OF SECTION 151 OF THE TRADE ACT OF 1974.—Subject to the provisions of this subsection, the provisions of subsections (c), (d), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191(c), (d), (f), and (g)) shall apply to joint resolutions to the same extent as such provisions apply to implementing bills under that section.

(C) DISCHARGE OF COMMITTEE.—If a committee of either House to which a joint resolution has been referred has not reported the joint resolution by the close of the 45th day after its introduction—

(i) the committee shall be automatically discharged from further consideration of the joint resolution; and

(ii) the joint resolution shall be placed on the appropriate calendar.

(D) FLOOR CONSIDERATION.—It shall not be in order for—

(i) the Senate to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture, Nutrition, or Forestry of the Senate or the committee has been discharged under subparagraph (C);

(ii) the House of Representatives to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture of the House of Representatives or the committee has been discharged under subparagraph (C); or

(iii) either House to consider any joint resolution or take any action under clause (i) or (ii) of subsection (d)(1)(B), if the President has notified the appropriate committees that the decision to impose sanctions described in subsection (b)(1) has been withdrawn and the sanctions have not actually been imposed.

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces his or her intention to do so.

(2) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider another joint resolution under this section (other than a joint resolution received from the other House), if that House has previously voted on a joint resolution under this section with respect to the same presidential notification described in subsection (b)(1).

(3) COMPUTATION OF TIME PERIOD.—For the purpose of subsection (d)(1)(B)(ii)(II) and paragraph (1)(C), the 90-day period, the 15-day period, and the 45 days referred to in those provisions shall be computed by excluding—

(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(4) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and such procedures supersede other rules only to the extent that such procedures are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(f) INTERVENING ENACTMENT.—A joint resolution shall not be required under this section if, during the period beginning on the date on which the President submits to Congress draft legislation under subsection (b)(2) and ending on the date on which Congress enacts a joint resolution under subsection (e), a law containing or preempting the draft legislation is enacted.

SA 3711. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI,

Mr. NELSON of Florida, Mr. SUNUNU, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 1 and all follows through page 124, line 20, and insert the following:

Subtitle A—Traditional Payments and Loans

SEC. 1101. COMMODITY PROGRAMS.

(a) REPEALS.—Subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) (other than sections 1001, 1101, 1102, 1103, 1104, and 1106) are repealed.

(b) BASE ACRES AND PAYMENT ACRES.—Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended—

(1) in subsections (a)(1) and (e)(2), by striking ''and counter-cyclical payments'' each place it appears; and

(2) by adding at the end the following:

''(i) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the producers on a farm, with the consent of the owner of and any other producers on the farm, may reduce the base acres for a covered commodity for the farm if the reduced acres are used for the planting and production of fruits or vegetables for processing.

''(2) REVERSION TO BASE ACRES FOR COVERED COMMODITY.—Any reduced acres on a farm devoted to the planting and production of fruits or vegetables during a crop year under paragraph (1) shall be included in base acres for the covered commodity for the subsequent crop year, unless the producers on the farm make the election described in paragraph (1) for the subsequent crop year.

''(3) RECALCULATION OF BASE ACRES.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary recalculates base acres for a farm, the planting and production of fruits or vegetables for processing under paragraph (1) shall be considered to be the same as the planting, prevented planting, or production of the covered commodity.

''(B) AUTHORITY.—Nothing in this subsection provides authority for the Secretary to recalculate base acres for a farm.''.

(c) PAYMENT YIELDS.—Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking ''and counter-cyclical payments'';

(2) in subsection (b), by striking ''2007'' and inserting ''2012'';

(3) in subsection (c), by striking '', but before'' and all that follows through ''subsection (e)''; and

(4) by striking subsection (e).

(d) RECOURSE LOAN PROGRAM.—Subtitle F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991 et seq.) is amended by adding at the end the following:

''SEC. 1619. RECOURSE LOAN PROGRAM.

''For each of the 2008 through 2012 crop years, the Secretary shall establish a recourse loan program for each loan commodity at a rate of interest to be determined by the Secretary.''.

(e) ADMINISTRATION.—

(1) SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 1602 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(2) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D(e) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended by striking ''2007'' and inserting ''2012''.

(f) AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.—Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended—

(1) by striking ''2007'' each place it appears (other than paragraphs (3)(B) and (4)(B) of subsection (f)) and inserting ''2008''; and

(2) in subsection (f)—

(A) in paragraph (3)(B)—

(i) in the subparagraph heading, by striking ''2007 CROP YEAR'' and inserting ''2007 AND 2008 CROP YEARS''; and

(ii) by striking ''the 2007 crop year'' and inserting ''each of the 2007 and 2008 crop years''; and

(B) in paragraph (4)(B)—

(i) in the subparagraph heading, by striking ''2007 CROP YEAR'' and inserting ''2007 AND 2008 CROP YEARS''; and

(ii) by striking ''the 2007 crop year'' each place it appears and inserting ''each of the 2007 and 2008 crop years''.

(g) AVAILABILITY OF DIRECT PAYMENTS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended—

(1) in subsection (a), by striking ''For each of the 2002 through 2007'' and inserting ''For each of the 2008 through 2012''; and

(2) in subsection (c), by adding at the end the following:

''(4)(A) In each of crop years 2008 and 2009, 25 percent.

''(B) In each of crop years 2010 and 2011, 20 percent.

''(C) In crop year 2012, 0 percent.''.

On page 233, strikes lines 8 through 13 and insert the following:

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.''.

On page 246, strike lines 3 through 10 and insert the following:

''(i) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

''(A) $135,000,000 for fiscal year 2008;

''(B) $140,000,000 for fiscal year 2009;

''(C) $145,000,000 for fiscal year 2010;

''(D) $150,000,000 for fiscal year 2011; and

''(E) $0 for fiscal year 2012.

''(2) AQUACULTURE AND SEAFOOD PRODUCTS.—Of the amount made available under subparagraphs (A) through (D) of paragraph (1), the Secretary shall ensure that at least $50,000 is used each fiscal year to promote the competitiveness of aquacultural and seafood products.''.

On page 247, line 17, insert ''seafood products, aquaculture (including ornamental fish), sea grass, sea oats,'' after ''floriculture,''.

On page 265, strike lines 9 and 10 and insert the following:

(1) by striking subparagraph (A) and inserting the following:

''(A) BASIC FEE.—

''(i) IN GENERAL.—Except as provided in clause (ii), each producer shall pay an administrative fee for catastrophic risk protection in an amount that is, as determined by the Corporation, equal to 25 percent of the premium amount for catastrophic risk protection established under subsection (d)(2)(A) per crop per county.

''(ii) MAXIMUM AMOUNT.—The total amount of administrative fees for catastrophic risk protection payable by a producer under clause (i) shall not exceed $5,000 for all crops in all counties.''.

Beginning on page 273, strike line 1 and all that follows through page 274, line 2.

On page 276, between lines 2 and 3, insert the following:

SEC. 19___. CONTROLLING CROP INSURANCE PROGRAM COSTS.

(a) SHARE OF RISK.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by striking paragraph (3) and inserting the following:

''(3) SHARE OF RISK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the reinsurance agreements of the Corporation with a reinsured company shall require the reinsured company to provide to the Corporation 30 percent of the cumulative underwriting gain or loss of the reinsured company.

''(B) LIVESTOCK.—In the case of a policy or plan of insurance covering livestock, the reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the financial condition of the reinsured companies and the availability of private reinsurance.''.

(b) REIMBURSEMENT RATE.—Section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)) is amended by striking clause (ii) and inserting the following:

''(ii) for each of the 2008 and subsequent reinsurance years—

''(I) 15 percent of the premium used to define loss ratio; and

''(II) in the case of a policy or plan of insurance covering livestock, 27 percent of the premium used to define loss ratio.''.

SEC. 19___. SUPPLEMENTAL DEDUCTIBLE COVERAGE.

(a) IN GENERAL.—Section 508(c)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(4)) is amended—

(1) by striking ''The level of coverage'' and inserting the following:

''(A) BASIC COVERAGE.—The level of coverage''; and

(2) by adding at the end the following:

''(B) SUPPLEMENTAL COVERAGE.—

''(i) IN GENERAL.—Notwithstanding paragraph (3) and subparagraph (A), the Corporation may offer supplemental coverage, based on an area yield and loss basis, to cover that portion of a crop loss not covered under the individual yield and loss basis plan of insurance of a producer, including any revenue plan of insurance with coverage based in part on individual yield and loss.

''(ii) LIMITATION.—The sum of the indemnity paid to the producer under the individual yield and loss plan of insurance and the supplemental coverage may not exceed 100 percent of the loss incurred by the producer for the crop.

''(iii) ADMINISTRATIVE AND OPERATING EXPENSE REIMBURSEMENT.—Notwithstanding subsection (k)(4), the reimbursement rate for approved insurance providers for the supplemental coverage shall equal 6 percent of the premium used to define the loss ratio.

''(iv) DIRECT COVERAGE.—If the Corporation determines that it is in the best interests of producers, the Corporation may offer supplemental coverage as a Corporation endorsement to existing plans and policies of crop insurance authorized under this title.

''(v) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Notwithstanding subsection (e), the amount of the premium to be paid by the Corporation for supplemental coverage offered pursuant to this subparagraph shall be determined by the Corporation, but may not exceed the sum of—

''(I) 50 percent of the amount of premium established under subsection (d)(2)(C)(i); and

''(II) the amount determined under subsection (d)(2)(C)(ii) for the coverage level selected to cover operating and administrative expenses.''.

(b) CONFORMING AMENDMENTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended—

(1) by striking ''additional coverage'' the first place it appears and inserting ''additional and supplemental coverages''; and

(2) by adding at the end the following:

''(C) SUPPLEMENTAL COVERAGE.—In the case of supplemental coverage offered under subsection (c)(4)(B), the amount of the premium shall—

''(i) be sufficient to cover anticipated losses and a reasonable reserve; and

''(ii) include an amount for operating and administrative expenses, as determined by the Corporation on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.''.

SEC. 19___. REVENUE-BASED SAFETY NET.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following:

''(11) GROUP RISK INCOME PROTECTION AND GROUP RISK PROTECTION.—The Corporation shall offer, at no cost to a producer, revenue and yield coverage plans that allow producers in a county to qualify for an indemnity if the actual revenue or yield per acre in the county in which the producer is located is below 85 percent of the average revenue or yield per acre for the county, for each agricultural commodity for which a futures price is available, or as otherwise approved by the Secretary, to the extent the coverage is actuarially sound.''.

(b) PREMIUMS.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following:

''(H) In the case of a group risk income protection and group risk protection offered under subsection (c)(11) beginning in fiscal year 2009, and the whole farm insurance plan offered under subsection (c)(12) beginning in fiscal year 2010, the entire amount of the premium for the plan shall be paid by the Corporation.''.

SEC. 19___. WHOLE FARM INSURANCE.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by section 19___(a)) is amended by adding at the end the following:

''(12) WHOLE FARM INSURANCE PLAN.—The Corporation shall offer, at no cost to a producer described in paragraph (11), a whole farm insurance plan that allows the producer to qualify for an indemnity if actual gross farm revenue is below 80 percent of the average gross farm revenue of the producer.''.

(b) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—Section 523(e) of the Federal Crop Insurance Act (7 U.S.C. 1523(e)) is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2012'';

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—In addition to counties otherwise included in the pilot program, the Corporation shall include in the pilot program for each of the 2010 through 2012 reinsurance years all States and counties that meet the criteria for selection (pending required rating), as determined by the Corporation.''; and

(3) by adding at the end the following:

''(3) ELIGIBLE PRODUCERS.—The Corporation shall permit the producer of any type of agricultural commodity (including a producer of specialty crops, floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquacultural products (including ornamental fish), sea grass and sea oats, and industrial crops) to participate in a pilot program established under this subsection.''.

(c) PREVENTION OF DUPLICATION.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by subsection (a)) is amended by adding at the end the following:

''(13) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall cooperate to ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative compensation under Federal law for the same loss, including by reducing crop insurance indemnity payments.''.

On page 295, between lines 16 and 17, insert the following:

SEC. 19___. CROP INSURANCE EDUCATION ASSISTANCE.

(a) PARTNERSHIPS FOR RISK MANAGEMENT EDUCATION.—Section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)) is amended—

(1) in subparagraph (B), by striking ''A grant'' and inserting ''Subject to subparagraph (E), a grant''; and

(2) by adding at the end the following:

''(E) ALLOCATION TO STATES.—The Secretary shall allocate funds made available to carry out this subsection for each fiscal year in a manner that ensures that grants are provided to eligible entities in States based on the ratio that the value of agricultural production of each State bears to the total value of agricultural production in all States, as determined by the Secretary.''.

(b) FUNDING.—Paragraph (5) of section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) (as redesignated by section 1920(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) for the partnerships for risk management education program established under paragraph (3)—

''(i) $20,000,000 for fiscal year 2008, of which not less than $15,000,000 shall be used to provide educational assistance with respect to whole farm and adjusted gross revenue insurance plans;

''(ii) $15,000,000 for fiscal year 2009, of which not less than $10,000,000 shall be used to provide educational assistance described in clause (i);

''(iii) $10,000,000 for fiscal year 2010, of which not less than $5,000,000 shall be used to provide educational assistance described in clause (i); and

''(iv) $5,000,000 for fiscal year 2011 and each fiscal year thereafter.''.

On page 299, between lines 15 and 16, insert the following:

Subtitle B—Risk Management Accounts

SEC. 1931. DEFINITIONS.

In this subtitle:

(1) ADJUSTED GROSS REVENUE.—The term ''adjusted gross revenue'', with respect to a farm of an operator or producer, means the adjusted gross income of the farm, as determined by the Secretary, from the sale or transfer of eligible commodities of the farm, as calculated—

(A) taking into consideration the gross receipts (including insurance indemnities) from each sale;

(B) including all farm payments received by the operator or producer from any Federal, State, or local government agency relating to the eligible commodities;

(C) by deducting the cost or basis of any eligible livestock or other item purchased for resale, such as feeder livestock, by the farm;

(D) excluding any revenue that does not arise from the sale of eligible commodities of the farm, such as revenue associated with the packaging, merchandising, marketing, or reprocessing beyond what is typically carried out by a producer of the eligible commodity, as determined by the Secretary; and

(E) using such adjustments, additions, and additional documentation as the Secretary determines to be appropriate, as presented on—

(i) a schedule F form of the Federal income tax returns of the operator or producer; or

(ii) a comparable tax form relating to the farm, as approved by the Secretary.

(2) APPLICABLE YEAR.—The term ''applicable year'' means a fiscal year covered by a risk management account contract.

(3) AVERAGE ADJUSTED GROSS REVENUE.—The term ''average adjusted gross revenue'' means—

(A) the rolling average of the adjusted gross revenue of an operator or producer for each of the 5 preceding taxable years; or

(B) in the case of a beginning farmer or rancher, or another agricultural operation that does not have adjusted gross revenue for each of the 5 preceding taxable years, the estimated income of the operation for the applicable year, as determined by the Secretary.

(4) ELIGIBLE COMMODITY.—The term ''eligible commodity'' means any annual or perennial crop raised or produced by an operator or producer.

(5) FARM.—

(A) IN GENERAL.—The term ''farm'' means any parcel of land used for the raising or production of an eligible commodity that is considered to be a separate operation, as determined by the Secretary.

(B) INCLUSIONS.—The term ''farm'' includes—

(i) any parcel of land and related agricultural production facilities on which an operator or producer has more than de minimis operational control; and

(ii) any parcel of land subject to more than de minimis common ownership, as determined by the Secretary, unless the common owners of the parcel—

(I) except with respect to a conservation condition established in an applicable rental agreement, do not have operational control regarding any portion of the parcel; and

(II) do not share in the proceeds of the parcel, other than cash rent.

(C) EXCLUSION.—The term ''farm'' does not include a parcel that is not a portion of a farm subject to a risk management account contract.

(D) APPLICABILITY OF CFR.—Except as otherwise provided in this subtitle or by the Secretary, by regulation, part 718 of title 7, Code of Federal Regulations (or successor regulations), shall apply to the definition, constitution, and reconstitution of a farm for purposes of this paragraph.

(6) OPERATOR.—The term ''operator'' means a producer who controls an agricultural operation on a farm, as determined by the Secretary.

(7) PRODUCER.—The term ''producer'' means a person that, as determined by the Secretary, for an applicable year—

(A) shares in the risk of producing, or provides a material contribution in producing, an eligible commodity;

(B) has a substantial beneficial interest in the farm on which the eligible commodity is produced;

(C)(i) for each of the 5 preceding taxable years, has filed—

(I) a schedule F form of the Federal income tax return relating to the eligible commodity; or

(II) a comparable tax form related to the eligible commodity, as approved by the Secretary; or

(ii) is a beginning farmer or rancher, or another producer that does not have adjusted

gross revenue for each of the 5 preceding taxable years, as determined by the Secretary; and

(D)(i) during the 5 preceding taxable years, has earned at least $10,000 in average adjusted gross revenue;

(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

(iii) in the case of a beginning farmer or rancher, or another producer that does not have adjusted gross revenue for each of the 5 preceding taxable years, has at least $10,000 in estimated income from all farms for the applicable year, as determined by the Secretary.

(8) RISK MANAGEMENT ACCOUNT.—The term ''risk management account'' means a farm income stabilization assistance account maintained at a qualified financial institution in accordance with such terms as the Secretary may establish.

SEC. 1932. RISK MANAGEMENT ACCOUNT CONTRACTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program under which the Secretary shall offer to enter into contracts with eligible operators and producers in accordance with this section—

(1) to provide to the operators and producers a reserve to assist in the stabilization of farm income during low-revenue years;

(2) to assist operators and producers to invest in value-added farms; and

(3) to recognize high levels of environmental stewardship.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Any operator that has participated in a commodity program under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), and that otherwise meets each eligibility requirement under this subtitle, shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(2) OTHER PRODUCERS.—A producer that is not an operator described in paragraph (1) shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(3) LIMITATIONS.—

(A) IN GENERAL.—No farm or portion of a farm shall be subject to more than 1 risk management account contract during any fiscal year.

(B) MULTIPLE RISK MANAGEMENT ACCOUNT CONTRACTS.—

(i) IN GENERAL.—Except as provided in clause (ii), no operator or producer shall participate or have a beneficial interest in more than 1 risk management account contract during any fiscal year.

(ii) EXCEPTION.—Notwithstanding clause (i), an operator that is eligible to receive a transition payment during a fiscal year, and that participates or has a beneficial interest in a risk management account contract during that fiscal year, may enter into an additional risk management account contract during the fiscal year if—

(I) the additional risk management account contract is entered into solely for the purpose of receiving the transition payment; and

(II) the operator is not otherwise eligible to participate or have a beneficial interest in the additional risk management account contract.

(c) RISK MANAGEMENT ACCOUNTS.—

(1) IN GENERAL.—Each risk management account contract entered into under this section shall establish, in the name of the farm of the operator or producer, as applicable, in an appropriate financial institution and subject to such investment rules and other procedures as the Secretary, on approval of the Secretary of the Treasury, determines to be necessary to provide reasonable assurance of the viability and stability of the account, a risk management account, to consist of—

(A) such amounts as are transferred to the risk management account by the Secretary during an applicable year in accordance with paragraph (2) (including the amendments made by that paragraph); and

(B) such amounts as are voluntarily contributed by the operator or producer during the applicable year in accordance with paragraph (6).

(2) TRANSFERS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by adding at the end the following:

''(e) RISK MANAGEMENT ACCOUNTS.—Of the total amount of direct payments made to producers, payments in excess of $10,000 for a crop year shall be deposited into risk management accounts established under section 1102 of the Food and Energy Security Act of 2007.''.

(3) OPERATOR AND PRODUCER CONTRIBUTIONS.—During any applicable year, an operator or producer may voluntarily contribute to the risk management account of the operator or producer.

(4) WITHDRAWALS.—

(A) IN GENERAL.—An operator or producer may withdraw amounts in the risk management account of the operator or producer only—

(i) for an applicable year during which the adjusted gross revenue of the operator or producer is equal to less than 95 percent of the average adjusted gross revenue of the operator or producer, in an amount that is equal to the lesser of—

(I) the difference between—

(aa) the average adjusted gross revenue of the operator or producer; and

(bb) the adjusted gross revenue of the operator or producer; and

(II) the amount of coverage that could be purchased under an adjusted gross revenue product available to the operator or producer through the Federal crop insurance program;

(ii) for investment in a value-added agricultural operation that contributes to the agricultural economy, as determined by the Secretary, and is not farmland or equipment used to produce raw agricultural products, an amount equal to the product obtained by multiplying—

(I) the total amount in the risk management account of the operator or producer on September 30 of the preceding applicable year; and

(II) 10 percent;

(iii) as the Secretary determines to be necessary to protect the solvency of a farm of the operator or producer; or

(iv) to purchase revenue insurance or crop insurance.

(B) TRANSFER TO IRA ACCOUNT.—In any calendar year, an individual operator or producer aged 65 years or older who is the holder of a risk management account in existence for at least 5 years may elect to rollover not more than 15 percent of the balance of the risk management account into an individual retirement account pursuant to section 408 of the Internal Revenue Code of 1986.

(5) LIMITATIONS.—

(A) ATTRIBUTION REQUIREMENT.—The Secretary shall ensure that each payment transferred to a risk management account under this subsection is attributed to an individual operator or producer that is a party to the applicable risk management account contract.

(B) NO INDIVIDUAL BENEFIT.—

(i) IN GENERAL.—The Secretary shall ensure that no individual operator or producer receives a direct benefit from more than 1 risk management account.

(ii) PROPORTIONAL REDUCTION.—The Secretary shall reduce the amount of a standard payment under this subsection in an amount equal to the proportion that—

(I) the amount of each direct or indirect benefit received by the applicable individual operator or producer under the applicable risk management account contract; bears to

(II) the amount of any direct or indirect benefit received by the individual operator or producer under any other risk management account contract under which a standard payment is transferred to a risk management account.

(6) CONSERVATION COMPLIANCE.—Each operator, and each holder of a beneficial interest in a farm subject to a risk management account contract, shall comply with—

(A) applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(B) applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(7) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subsection.

SEC. 1933. TREATMENT OF RISK MANAGEMENT ACCOUNT ACCOUNTS ON TRANSFER.

(a) IN GENERAL.—In transferring, by sale or other means, any interest in a farm subject to a risk management account, an operator or producer may elect—

(1) to transfer the risk management account to another farm in which the operator or producer—

(A) has a controlling ownership interest; or

(B) not later than 2 years after the date of the transfer, will acquire a controlling ownership interest;

(2) to transfer the risk management account to the purchaser of the interest in the farm, if the purchaser is not already a holder of a risk management account; or

(3)(A) if the operator or producer is an individual, to rollover amounts in the risk management account into an individual retirement account of the operator or producer pursuant to section 408 of the Internal Revenue Code of 1986; or

(B) if the operator or producer is not an individual, to transfer amounts in the risk management account into an account of any individual who has a substantial beneficial interest in the farm (including a substantial beneficiary of a trust that holds at least a 50 percent ownership interest in the farm).

(b) TRANSFER OR ACQUISITION OF LAND OR PORTION OF OPERATION.—The Secretary shall promulgate such regulations as the Secretary determines to be appropriate to require reformulation, reaffirmation, or abandonment of a risk management account contract—

(1) on transfer of all or part of a farm under this section; or

(2) on any other major change to the farm, as determined by the Secretary.

SEC. 1934. ADMINISTRATION OF RISK MANAGEMENT ACCOUNTS.

(a) IMPLEMENTATION.—The Secretary shall carry out this subtitle through the Farm Service Agency.

(b) COMPLIANCE.—The Secretary shall conduct random audits of operators and producers subject to risk management account contracts under this subtitle as the Secretary determines to be necessary to ensure compliance with the risk management account contracts.

(c) VIOLATIONS.—If the Secretary determines that an operator or producer is in violation of the terms of an applicable risk management account contract—

(1) the operator or producer shall refund to the Secretary an amount equal to the

amount transferred by the Secretary under section 1103(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(e)) to the affected risk management account during the applicable year in which the violation occurred; and

(2) for a serious or deliberate violation, as determined by the Secretary—

(A) the risk management account contract shall be terminated; and

(B) amounts remaining in each applicable risk management account as the result of a transfer by the Secretary under section 1103(e) of that Act shall be refunded to the Secretary.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

(e) ADJUSTED GROSS INCOME LIMITATION.—The adjusted gross income limitation under section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply to participation in the farm income stabilization assistance program under this subtitle.

(f) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

On page 347, strike lines 17 through 20 and insert the following:

''SEC. 1237T. FUNDING.

''Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subchapter $70,000,000 for each of the fiscal years 2008 through 2012.''.

On page 408, line 15, strike ''$165,000,000'' and ''$265,000,000''.

On page 444, after line 22, add the following:

SEC. 23___. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

''SEC. 1240S–1. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service, shall establish a migratory bird habitat conservation program under which the Secretary shall provide payments and technical assistance to rice producers to promote the conservation of migratory bird habitat.

''(b) ELIGIBILITY.—To be eligible for payments and technical assistance under this section, an eligible producer shall maintain on rice acreage of the producer (as determined by the Secretary)—

''(1) straw residue on a minimum of 50 percent of the rice acreage by flooding, rolling, or stomping, and maintaining, water depths of at least 4 inches from November through February in a manner that benefits migratory waterfowl; or

''(2) if supplemental water is not available, planting a winter cover crop (such as vetch) on the rice acreage.

''(c) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) enroll not more than 100,000 acres of irrigated rice; and

''(2) provide payments to a participating rice producer for the value of the ecological benefit, but not less than $25 per acre.

''(d) REVIEW.—In cooperation with a national, State, or regional association of rice producers, the Secretary shall periodically review—

''(1) the value of the ecological benefit of practices for which assistance is provided under this section on a per acre basis; and

''(2) the practices for which assistance is provided under this section to maximize the wildlife benefit to migratory bird populations on land in rice production.

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $13,000,000 for the period of fiscal years 2008 through 2012.''.

On page 445, line 20, strike ''$97,000,000'' and insert ''$120,000,000''.

On page 445, line 24 , strike ''$240,000,000'' and insert ''$400,000,000''.

On page 446, line 4, strike ''$1,270,000,000'' and insert ''$1,410,000,000''.

On page 446, line 6, strike ''$1,300,000,000'' and insert ''$1,420,000,000''.

On page 446, line 10, strike ''$85,000,000'' and insert ''$100,000,000''.

On page 508, between lines 20 and 21, insert the following:

SEC. 26___. CONSERVATION OF GREATER EVERGLADES ECOSYSTEM.

Of the funds of the Commodity Credit Corporation, the Secretary shall use $7,000,000 for each of fiscal years 2008 through 2012 to provide assistance to 1 or more States to carry out conservation activities in or for the greater Everglades ecosystem.

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (l)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use $450,000,000 for each of fiscal years 2008 through 2012 to carry out this section.''; and

(B) by redesignating paragraph (3) as paragraph (2).

On page 566, lines 9 and 10, strike ''$140, $239, $197, and $123'' and insert ''$145, $248, $205, and $128''.

On page 567, line 3, strike ''$281'' and insert ''$291''.

On page 574, line 6, strike ''10 percent'' and inserting ''20 percent''.

Beginning on page 574, strike line 23 and all that follows through page 575, line 3, and insert the following:

''(2) AMOUNTS.—In addition to the amounts made available under paragraph (1), from amounts made available to carry out this Act, the Secretary shall use to carry out this subsection—

''(A) for fiscal year 2008, $110,000,000; and

''(B) for fiscal year 2009 and each fiscal year thereafter, an amount that is equal to the amount made available for the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

On page 658, lines 18 through 21, strike ''for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $10,000,000'' and insert ''for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $50,000,000''.

On page 659, between lines 19 and 20, insert the following:

SEC. 4703. WIC FARMERS' MARKET NUTRITION PROGRAM.

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

(1) in clause (i), by striking ''each of fiscal years 2004 through 2009'' and inserting ''each fiscal year''; and

(2) by striking clause (ii) and inserting the following:

''(ii) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection, $40,000,000 for each fiscal year.''.

On page 664, between lines 15 and 16, insert the following:

SEC. 49___. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PAYMENTS TO SERVICE INSTITUTIONS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) in subparagraph (A) (as redesignated by subparagraph (B)), by striking ''(A)'' and all that follows through ''shall not exceed—'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), in addition to amounts made available under paragraph (3), payments to service institutions shall be—'';

(D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''; and

(E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking ''(A), (B), and (C)'' and inserting ''(A) and (B)''; and

(2) in the second sentence of paragraph (3), by striking ''full amount of State approved'' and all that follows through ''maximum allowable''.

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) through (k) as subsections (f) through (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.

On page 663, between lines 17 and 18, insert the following:

Subtitle F—Food Employment Empowerment and Development Program

SEC. 4851. SHORT TITLE.

This subtitle may be cited as the ''Food Employment Empowerment and Development Program Act of 2007'' or the ''FEED Act of 2007''.

SEC. 4852. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that meets the requirements of section 4013(b).

(2) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term ''vulnerable subpopulation'' means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term ''vulnerable subpopulation'' includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

SEC. 4853. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(1) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(2) Distribution of meals or recovered food to—

(A) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(B) entities that feed vulnerable subpopulations; and

(C) other agencies considered appropriate by the Secretary.

(3) Training of unemployed and underemployed adults for careers in the food service industry.

(4) Carrying out of a welfare-to-work job training program in combination with—

(A) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(B) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(c) USE OF FUNDS.—An eligible entity may use a grant awarded under this section for—

(1) capital investments related to the operation of the eligible entity;

(2) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(3) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(4) building and kitchen renovations that improve or directly affect service delivery;

(5) educational material and services;

(6) administrative costs, in accordance with guidelines established by the Secretary; and

(7) additional activities determined appropriate by the Secretary.

(d) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(1) Carrying out food recovery programs that are integrated with—

(A) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1);

(B) school education programs; or

(C) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(2) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(3) Integrating recovery and distribution of food with a job training program.

(4) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(5) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(e) ELIGIBILITY FOR JOB TRAINING.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(f) PERFORMANCE INDICATORS.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(g) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance to eligible entities that receive grants under this section to assist the eligible entities in carrying out programs under this section using the grants.

(2) FORM.—Technical assistance for a program provided under this subsection includes—

(A) maintenance of a website, newsletters, email communications, and other tools to promote shared communications, expertise, and best practices;

(B) hosting of an annual meeting or other forums to provide education and outreach to all programs participants;

(C) collection of data for each program to ensure that the performance indicators and purposes of the program are met or exceeded;

(D) intervention (if necessary) to assist an eligible entity to carry out the program in a manner that meets or exceeds the performance indicators and purposes of the program;

(E) consultation and assistance to an eligible entity to assist the eligible entity in providing the best services practicable to the community served by the eligible entity, including consultation and assistance related to—

(i) strategic plans;

(ii) board development;

(iii) fund development;

(iv) mission development; and

(v) other activities considered appropriate by the Secretary;

(F) assistance considered appropriate by the Secretary regarding—

(i) the status of program participants;

(ii) the demographic characteristics of program participants that affect program services;

(iii) any new idea that could be integrated into the program; and

(iv) the review of grant proposals; and

(G) any other forms of technical assistance the Secretary considers appropriate.

(h) RELATIONSHIP TO OTHER LAW.—

(1) BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(2) FOOD HANDLING GUIDELINES.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(3) INSPECTIONS.—An eligible entity using a grant provided under this section shall be exempt from inspection under sections 303.1(d)(2)(iii) and 381.10(d)(2)(iii) of volume 9, Code of Federal Regulations (or a successor regulation), if the eligible entity—

(A) has a hazard analysis and critical control point (HACCP) plan;

(B) has a sanitation standard operating procedure (SSOP); and

(C) otherwise complies with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(i) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed $200,000.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2012.

(2) TECHNICAL ASSISTANCE.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (g) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) $1,000,000.

Beginning on page 691, strike line 21 and all that follows through page 692, line 17.

On page 981, line 12, strike ''$16,000,000'' and insert ''$30,000,000''.

Beginning on page 1046, strike line 15 and all that follows through page 1053, line 23, and insert the following:

SEC. 8002. COMMUNITY FORESTS WORKING LAND PROGRAM.

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) by redesignating subsection (m) as subsection (n); and

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

''(m) COMMUNITY FORESTS WORKING LAND PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) COMMUNITY FOREST LAND.—The term 'community forest land' means a parcel of land that is—

''(i) forested; and

''(ii) located, as determined by the Secretary, within, or in close proximity to, a population center.

''(B) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means a town, city, or other unit of local government.

''(2) PURPOSES.—The purposes of the community forests working land program are—

''(A) to help protect environmentally important forest land near population centers, as determined by the Secretary;

''(B) to facilitate land use planning by units of local government; and

''(C) to facilitate the donations, acceptance, and enforcement of conservation easements on community forest land.

''(3) ESTABLISHMENT.—The Secretary, in cooperation with the States, shall offer financial and technical assistance to units of local government by providing, in priority areas (as defined by the Secretary)—

''(A) financial assistance to purchase conservation easements on, facilitate the donation, acceptance, and enforcement of conservation easements on, or otherwise acquire, community forest land; and

''(B) technical assistance to facilitate—

''(i) conservation of community forests;

''(ii) management of community forests;

''(iii) training related to forest management and forest conservation; and

''(iv) other forest conservation activities, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $65,000,000 for each of fiscal years 2008 through 2012.''.

On page 1112, line 8, strike ''$300,000,000'' and insert ''$360,000,000''.

On page 1129, line 18, strike ''$230,000,000'' and insert ''$300,000,000''.

On page 1150, strike lines 11 through 24 and insert the following:

''(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section $345,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.''.

On page 1295, strike lines 6 through 11 and insert the following:

''(A) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000 for each of fiscal years 2008 through 2012.'';

(ii) in subparagraph (B), by striking ''authorized to be appropriated under subparagraph (A)'' and inserting ''made available under subparagraph (A)''; and

(iii) by adding at the end the following:

SA 3712. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 755, after line 22, insert the following:

SEC. 60__. WATER OR WASTE DISPOSAL LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 6010) is amended by adding at the end the following:

''(29) WATER OR WASTE DISPOSAL LOANS.—For fiscal year 2008 and each subsequent fiscal year, the Secretary shall make or guarantee water or waste disposal loans under this title, and the loan guarantee programs funded from the Agricultural Credit Insurance Fund, under the authority and conditions (including the fees, borrower interest rate, and the economic assumptions of the President, as of September 1, 2006) provided by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97; 119 Stat. 2120).''.

SA 3713. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. 12319. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, any alcohol fuel as defined in section 6426(b)(4)(A) (including any neat alcohol fuel), or any biodiesel fuel as defined in section 40A(d)(1)(A) (including neat biodiesel fuel)'' after ''timber''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3714. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. 12319. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, any alcohol fuel as defined in section 6426(b)(4)(A) (including any neat alcohol fuel), or any biodiesel fuel as defined in section 40A(d)(1)(A) (including neat biodiesel fuel)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3715. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 110___. COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) IN GENERAL.—The Secretary shall cause the Acquisition Regulation of the Department of Agriculture established under chapter 4 of title 48, Code of Federal Regulations, to be modified in accordance with subsection (b).

(b) ADMINISTRATION.—

(1) COMPETITIVE PROCEDURES.—A purchase of a product from Federal Prison Industries shall be made using competitive procedures (including the competition requirements applicable to a purchase under a multiple award contract), if—

(A) market research conducted by the Department of Agriculture determines that the product offered by Federal Prison Industries is comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery; or

(B) Federal Prison Industries has a significant share of the Federal market for a product listed in the latest edition of the Federal Prison Industries catalog issued pursuant to section 4124(d) of title 18, United States Code.

(2) OFFERS.—In conducting a purchase described in paragraph (1), the Secretary shall consider a timely offer made by Federal Prison Industries.

(3) SIGNIFICANT SHARE OF FEDERAL MARKET.—For the purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the Federal market for a product if the Secretary, in consultation with the Administrator of the Office of Federal Procurement Policy, determines that the share of Federal Prison Industries of the Federal market for the category of the product is significant.

SA 3716. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1511, line 25, strike all through page 1517, line 19, and insert the following:

''(2) ALLOCATION BY SECRETARY.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall allocate the amount described in paragraph (1) among at least 20 qualified projects, or such lesser number of qualified projects—

''(i) with proper applications filed after 12 months after the adoption of the selection process under subparagraph (B), and

''(ii) for purposes provided for in regional investment strategies for which regional innovation grants are awarded under section 385F of subtitle I of the Consolidated Farm and Rural Development Act.

''(B) SELECTION PROCESS.—In consultation with the Secretary of Agriculture, the Secretary shall adopt a process to select projects described in subparagraph (A). Under such process, the Secretary shall not allocate more than 15 percent of the allocation under subparagraph (A) to qualified projects within a single State.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

''(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer

shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) DEFINITIONS AND SPECIAL RULES RELATING TO ISSUERS AND BORROWERS.—For purposes of this section—

''(1) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a rural renaissance bond lender,

''(B) a cooperative electric company, or

''(C) a governmental body.

''(2) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C), or

''(B) a governmental body.

''(3) RURAL RENAISSANCE BOND LENDER.—The term 'rural renaissance bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

''(5) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

''(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) RURAL AREA.—The term 'rural area' shall have the meaning given such term by section 1393(a)(2).

''(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

''(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).

''(7) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2008.''.

SA 3717. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1214, strike line 6 and all that follows through page 1220, line 11, and insert the following:

SEC. 10201. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity''—

(A) has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(B) does not include biofuels.

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons that meets the requirements of the Capper-Volstead Act (7 U.S.C. 291 et seq.).

(3) AGRICULTURAL INDUSTRY.—The term ''agricultural industry''—

(A) means any dealer, processor, commission merchant, or broker involved in the buying or selling of agricultural commodities; and

(B) does not include sale or marketing at the retail level.

(4) ANTITRUST LAWS.—The term ''antitrust laws'' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(5) ASSISTANT ATTORNEY GENERAL.—The term ''Assistant Attorney General'' means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(6) BIOFUEL.—The term ''biofuel'' has the meaning given that term in section 9001 of the Farm Security and Rural Investment Act of 2002, as amended by section 9001 of this Act.

(7) BROKER.—The term ''broker'' means any person (excluding an agricultural cooperative) engaged in the business of negotiating sales and purchases of any agricultural commodity in commerce for or on behalf of the vendor or the purchaser.

(8) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Federal Trade Commission.

(9) COMMISSION MERCHANT.—The term ''commission merchant'' means any person (excluding an agricultural cooperative) engaged in the business of receiving in commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(10) DEALER.—The term ''dealer'' means any person (excluding an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity produced by that person.

(11) PROCESSOR.—The term ''processor'' means any person (excluding an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) an agricultural commodity, or the products of such agricultural commodity, for sale or marketing in commerce for human consumption (excluding sale or marketing at the retail level).

(12) SPECIAL COUNSEL.—The term ''Special Counsel'' means the Special Counsel for Agricultural Competition of the Department of Agriculture established under section 11 of the Packers and Stockyards Act, 1921, as added by this Act.

(13) TASK FORCE.—The term ''Task Force'' means the Agriculture Competition Task Force established under subsection (b).

(b) AGRICULTURE COMPETITION TASK FORCE.—

(1) ESTABLISHMENT.—There is established, under the authority of the Attorney General, the Agriculture Competition Task Force, to examine problems in agricultural competition.

(2) MEMBERSHIP.—The Task Force shall consist of—

(A) the Assistant Attorney General, who shall serve as chairperson of the Task Force;

(B) the Special Counsel;

(C) a representative from the Federal Trade Commission;

(D) a representative from the Department of Agriculture, Office of Packers and Stockyards;

(E) 1 representative selected jointly by the attorneys general of States desiring to participate in the Task Force;

(F) 1 representative selected jointly by the heads of the departments of agriculture (or similar such agency) of States desiring to participate in the Task Force;

(G) 8 individuals who represent the interests of small family farmers, ranchers, independent producers, packers, processors, and other components of the agricultural industry—

(i) 2 of whom shall be selected by the Majority Leader of the Senate;

(ii) 2 of whom shall be selected by the Minority Leader of the Senate;

(iii) 2 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 2 of whom shall be selected by the Minority Leader of the House of Representatives; and

(H) 4 academics or other independent experts working in the field of agriculture, agricultural law, antitrust law, or economics—

(i) 1 of whom shall be selected by the Majority Leader of the Senate;

(ii) 1 of whom shall be selected by the Minority Leader of the Senate;

(iii) 1 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 1 of whom shall be selected by the Minority Leader of the House of Representatives.

(3) DUTIES.—The Task Force shall—

(A) study problems in competition in the agricultural industry;

(B) establish ways to coordinate Federal and State activities to address unfair and deceptive practices and concentration in the agricultural industry;

(C) work with representatives from agriculture and rural communities to identify abusive practices in the agricultural industry;

(D) submit to Congress such reports as the Task Force determines appropriate on the state of family farmers and ranchers, and the impact of agricultural concentration and unfair business practices on rural communities in the United States; and

(E) make such recommendations to Congress as the Task Force determines appropriate on agricultural competition issues, which shall include any additional or dissenting views of the members of the Task Force.

(4) WORKING GROUP.—

(A) IN GENERAL.—The Task Force shall establish a working group on buyer power to study the effects of concentration, monopsony, and oligopsony in agriculture, make recommendations to the Assistant Attorney General and the Chairman, and assist the Assistant Attorney General and the Chairman

in drafting agricultural guidelines under subsection (d)(1).

(B) MEMBERS.—The working group shall include any member of the Task Force selected under paragraph (2)(H).

(5) MEETINGS.—

(A) FIRST MEETING.—The Task Force shall hold its initial meeting not later than the later of—

(i) 90 days after the date of enactment of this Act; and

(ii) 30 days after the date of enactment of an Act making appropriations to carry out this subsection.

(B) MINIMUM NUMBER.—The Task Force shall meet not less than once each year, at the call of the chairperson.

(6) COMPENSATION.—

(A) IN GENERAL.—The members of the Task Force shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(7) STAFF OF TASK FORCE; EXPERTS AND CONSULTANTS.—

(A) STAFF.—

(i) APPOINTMENT.—The chairperson of the Task Force may, without regard to the provisions of chapter 51 of title 5, United States Code (relating to appointments in the competitive service), appoint and terminate an executive director and such other staff as are necessary to enable the Task Force to perform its duties. The appointment of an executive director shall be subject to approval by the Task Force.

(ii) COMPENSATION.—The chairperson of the Task Force may fix the compensation of the executive director and other staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification of positions and General Schedule pay rates), except that the rate of pay for the executive director and other staff may not exceed the rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time.

(B) EXPERTS AND CONSULTANTS.—The Task Force may procure temporary and intermittent services of experts and consultants in accordance with section 3109(b) of title 5, United States Code.

(8) POWERS OF THE TASK FORCE.—

(A) HEARINGS AND MEETINGS.—The Task Force, or a member of the Task Force if authorized by the Task Force, may hold such hearings, sit and act at such time and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Task Force considers to be appropriate.

(B) OFFICIAL DATA.—

(i) IN GENERAL.—The Task Force may obtain directly from any executive agency (as defined in section 105 of title 5, United States Code) or court information necessary to enable it to carry out its duties under this subsection. On the request of the chairperson of the Task Force, and consistent with any other law, the head of an executive agency or of a Federal court shall provide such information to the Task Force.

(ii) CONFIDENTIAL INFORMATION.—The Task Force shall adopt procedures that ensure that confidential information is adequately protected.

(C) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Task Force on a reimbursable basis such facilities and support services as the Task Force may request. On request of the Task Force, the head of an executive agency may make any of the facilities or services of such agency available to the Task Force, on a reimbursable or nonreimbursable basis, to assist the Task Force in carrying out its duties under this subsection.

(D) EXPENDITURES AND CONTRACTS.—The Task Force or, on authorization of the Task Force, a member of the Task Force may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Task Force or such member considers to be appropriate for the purpose of carrying out the duties of the Task Force. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in advance in appropriation Acts.

(E) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(F) GIFTS, BEQUESTS, AND DEVISES.—The Task Force may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Task Force. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Task Force.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2008, 2009, and 2010.

(c) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING.—There are authorized to be appropriated such sums as are necessary to hire additional employees (including agricultural law and economics experts) for the Transportation, Energy, and Agriculture Section of the Antitrust Division of the Department of Justice, to enhance the review of agricultural transactions and monitor, investigate, and prosecute unfair and deceptive practices in the agricultural industry.

(d) ENSURING FULL AND FREE COMPETITION IN AGRICULTURE.—

(1) AGRICULTURAL GUIDELINES.—

(A) FINDINGS.—Congress finds the following:

(i) The effective enforcement of the antitrust laws in agriculture requires that the antitrust enforcement agencies have guidelines with respect to mergers and other anticompetitive conduct that are focused on the special circumstances of agricultural commodity markets.

(ii) There has been a substantial increase in concentration in the markets in which agricultural commodities are sold, with the result that buyers of agricultural commodities often possess regional dominance in the form of oligopsony or monopsony relative to sellers of such commodities. A substantial part of this increase in market concentration is the direct result of mergers and acquisitions that the antitrust enforcement agencies did not challenge, in part because of the lack of guidelines focused on identifying particular structural characteristics in the agricultural industry and the adverse competitive effects that such acquisitions and mergers would create.

(iii) The cost of transportation, impact on quality, and delay in sales of agricultural commodities if they are to be transported to more distant buyers may result in narrow geographic markets with respect to buyer power.

(iv) Buyers have no economic incentive to bid up the price of agricultural commodities in the absence of effective competition. Further, the nature of buying may make it feasible for larger numbers of buyers to engage in tacit or overt collusion to restrain price competition.

(v) Buyers with oligopsonistic or monopsonistic power have incentives to engage in unfair, discriminatory, and exclusionary acts that cause producers of agricultural commodities to receive less than a competitive price for their goods, transfer economic risks to sellers without reasonable compensation, and exclude sellers from access to the market.

(vi) Markets for agricultural commodities often involve contexts in which many producers have relatively limited information and bargaining power with respect to the sale of their commodities. These conditions invite buyers with significant oligopsonistic or monopsonistic power to exercise that power in ways that involve discrimination and undue differentiation among sellers.

(B) ISSUANCE OF GUIDELINES.—After consideration of the findings under subparagraph (A), the Assistant Attorney General and the Chairman, in consultation with the Special Counsel, shall issue agricultural guidelines that—

(i) facilitate a fair, open, accessible, transparent, and efficient market system for agricultural products;

(ii) recognize that not decreasing competition in the purchase of agricultural products by highly concentrated firms from a sector in perfect competition is entirely consistent with the objective of the antitrust laws to protect consumers and enhance consumer benefits from competition; and

(iii) require the Assistant Attorney General or the Chairman, as the case may be, to challenge any merger or acquisition in the agricultural industry, if the effect of that merger or acquisition may be to substantially lessen competition or tend to create a monopoly.

(C) CONTENTS.—The agricultural guidelines issued under subparagraph (B) shall consist of merger guidelines relating to existing and potential competition and vertical integration that—

(i) establish appropriate methodologies for determining the geographic and product markets for mergers affecting agricultural commodity markets;

(ii) establish thresholds of increased concentration that raise a concern that the merger will have an adverse effect on competition in the affected agricultural commodities markets;

(iii) identify potential adverse competitive effects of mergers in agricultural commodities markets in a nonexclusive manner; and

(iv) identify the factors that would permit an enforcement agency to determine when a merger in the agricultural commodities market might avoid liability because it is not likely to have an adverse effect on competition.

(2) AGRICULTURE COMPETITION TASK FORCE WORKING GROUP ON BUYING POWER.—In issuing agricultural guidelines under this subsection, the Chairman and the Assistant Attorney General shall consult with the working group on buyer power of the Task Force established under subsection (b)(4).

(3) COMPLETION.—Not later than 2 years after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall—

(A) issue agricultural guidelines under this subsection;

(B) submit to Congress the agricultural guidelines issued under this subsection; and

(C) submit to Congress a report explaining the basis for the guidelines, including why it incorporated or did not incorporate each recommendation of the working group on buyer power of the Task Force established under subsection (b)(4).

(4) REPORT.—Not later than 30 months after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall jointly submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the

House of Representatives regarding the issuing of agricultural guidelines under this subsection.

(e) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(A) by striking the title I heading and all that follows through ''This Act'' and inserting the following:

''TITLE I—GENERAL PROVISIONS

''Subtitle A—Definitions

''SEC. 1. SHORT TITLE.

''This Act''; and

(B) by inserting after section 2 (7 U.S.C. 183) the following:

''Subtitle B—Special Counsel for Agricultural Competition

''SEC. 11. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Department of Agriculture an office to be known as the 'Office of Special Counsel for Agricultural Competition' (referred to in this section as the 'Office').

''(2) DUTIES.—The Office shall—

''(A) have responsibility for all duties and functions of the Packers and Stockyards programs of the Department of Agriculture;

''(B) investigate and prosecute violations of this Act and the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

''(C) analyze mergers within the food and agricultural sectors, in consultation with the Chief Economist of the Department of Agriculture, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, and the Chairman of the Federal Trade Commission, as required under section 10201(f) of the Food and Energy Security Act of 2007;

''(D) serve as a liaison between, and act in consultation with, the Department of Agriculture, the Department of Justice, and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector; and

''(E) maintain sufficient employees (including antitrust and litigation attorneys, economists, investigators, and other professionals with the appropriate expertise) to appropriately carry out the responsibilities of the Office.

''(b) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

''(1) IN GENERAL.—The Office shall be headed by the Special Counsel for Agricultural Competition (referred to in this section as the 'Special Counsel'), who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) INDEPENDENCE OF SPECIAL AUTHORITY.—

''(A) IN GENERAL.—The Special Counsel shall report to and be under the general supervision of the Secretary.

''(B) DIRECTION, CONTROL, AND SUPPORT.—The Special Counsel shall be free from the direction and control of any person in the Department of Agriculture other than the Secretary.

''(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate any duty described in subsection (a)(2) to any other officer or employee of the Department other than the Special Counsel.

''(D) REPORTING REQUIREMENT.—

''(i) IN GENERAL.—Twice each year, the Special Counsel shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that shall include, for the relevant reporting period, a description of—

''(I) the number of complaints that the Special Counsel has received and closed;

''(II)(aa) the number of investigations and civil and administrative actions that the Special Counsel has initiated, carried out, and completed, including the number of notices given to regulated entities for violations of this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

''(bb) the number and types of decisions agreed to; and

''(cc) the number of stipulation agreements; and

''(III) the number of investigations and civil and administrative actions that the Secretary objected to or prohibited from being carried out, and the stated purpose of the Secretary for each objection or prohibition.

''(ii) REQUIREMENT.—The basis for each complaint, investigation, or civil or administrative action described in a report under clause (i) shall—

''(I) be organized by species; and

''(II) indicate if the complaint, investigation, or civil or administration action was for anti-competitive, unfair, or deceptive practices under this Act or was a violation of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

''(E) REMOVAL.—

''(i) IN GENERAL.—The Special Counsel may be removed from office by the President.

''(ii) COMMUNICATION.—The President shall communicate the reasons for any such removal to both Houses of Congress.

''(3) PROSECUTORIAL AUTHORITY.—Subject to paragraph (4), the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, any civil or administrative action authorized under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

''(4) PROCEDURE FOR EXERCISE OF AUTHORITY TO LITIGATE OR APPEAL.—

''(A) IN GENERAL.—Prior to commencing, defending, or intervening in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), the Special Counsel shall give written notification to, and attempt to consult with, the Attorney General with respect to the proposed action.

''(B) FAILURE TO RESPOND.—If, not later than 45 days after the date of provision of notification under subparagraph (A), the Attorney General has failed to commence, defend, or intervene in the proposed action, the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, the action and any appeal of the action in the name of the Special Counsel.

''(C) AUTHORITY OF ATTORNEY GENERAL TO INTERVENE.—Nothing in this paragraph precludes the Attorney General from intervening on behalf of the United States in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), or in any appeal of such action, as may be otherwise provided by law.

''(c) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section modifies or otherwise effects subsections (a) and (b) of section 406.

''(d) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a)(2)(E).''.

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Special Counsel for Agricultural Competition.''.

(f) AGRIBUSINESS MERGER REVIEW AND ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE.—

(1) NOTICE.—The Assistant Attorney General or the Commissioner, as appropriate, shall notify the Secretary of any filing under section 7A of the Clayton Act (15 U.S.C. 18a) involving a merger or acquisition in the agricultural industry, and shall give the Secretary the opportunity to participate in the review proceedings.

(2) REVIEW.—

(A) IN GENERAL.—After receiving notice of a merger or acquisition under paragraph (1), the Secretary may submit to the Assistant Attorney General or the Commissioner, as appropriate, and publish the comments of the Secretary regarding that merger or acquisition, including a determination regarding whether the merger or acquisition may present significant competition and buyer power concerns, such that further review by the Assistant Attorney General or the Commissioner, as appropriate, is warranted.

(B) SECOND REQUESTS.—For any merger or acquisition described in paragraph (1), if the Assistant Attorney General or the Chairman, as the case may be, requires the submission of additional information or documentary material under section 7A(e)(1)(A) of the Clayton Act (15 U.S.C. 18a(e)(1)(A))—

(i) copies of any materials provided in response to such a request shall be made available to the Secretary; and

(ii) the Secretary—

(I) shall submit to the Assistant Attorney General or the Chairman such additional comments as the Secretary determines appropriate; and

(II) shall publish a summary of any comments submitted under subclause (I).

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall submit an annual report to Congress regarding the review of mergers and acquisitions described in paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall provide a description of each merger or acquisition described in paragraph (1) that was reviewed by the Secretary during the year before the date that report is submitted, including—

(i) the name and total resources of each entity involved in that merger or acquisition;

(ii) a statement of the views of the Secretary regarding the competitive effects of that merger or acquisition on agricultural markets, including rural communities and small, independent producers; and

(iii) a statement indicating whether the Assistant Attorney General or the Chairman, as the case may be, instituted a proceeding or action under the antitrust laws, and if so, the status of that proceeding or action.

(g) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION.—There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers, and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing and poultry industries by hiring litigating attorneys to allow the Grain Inspection, Packers, and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

SA 3718. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 391, strike lines 24 and 25 and insert the following:

(A) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

On page 392, line 18, insert ''and'' after the semicolon.

On page 392, between lines 18 and 19, by inserting the following:

(ii) by adding at the end the following:

''(C) CERTAIN PAYMENTS.—Once a producer receives over $240,000 in cumulative payments under the program, regardless of the number of contracts entered into by the producer under this chapter, the cost-share applicable to payments to that producer shall be not more than 25 percent.'';

SA 3719. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2012, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 35 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used—

(1) to provide $15,000,000 for each of fiscal years 2008 through 2012 to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1943);

(2) to provide an additional $35,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 through 2012 to carry out section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) (as amended by section 6401);

(3) to provide an additional $5,000,000 for each of fiscal years 2008 through 2012 to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(4) to provide an additional $10,000,000 for each of fiscal years 2008 through 2012 to carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) (as amended by section 11052);

(5) to provide an additional $30,000,000 for each of fiscal years 2008 through 2012 to carry out the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program'') ;

(6) to provide an additional $5,000,000 for fiscal year 2008 to carry out the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(7) to carry out sections 4101 and 4013 (and the amendments made by those sections), without regards to paragraphs (1) and (3) of section 4908(b); and

(8) to make any funds that remain available after providing funds under paragraphs (1) through (7) to the Commodity Credit Corporation for use in carrying out section 1942.

SEC. 1942. FLEXIBLE STATE FUNDS.

(a) FUNDING.—

(1) BASE GRANTS.—The Secretary shall make a grant to each State to be used to benefit agricultural producers and rural communities in the State, in the amount of—

(A) for fiscal year 2008, $220,000; and

(B) for the period of fiscal years 2009 through 2017, $2,500,000.

(2) PROPORTIONAL FUNDING.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall allocate amounts described in section 1941(b)(4) among the States based on the proportion of savings realized under section 1941(a) for each State.

(B) STATE FUNDS.—The Secretary shall maintain a separate account for each State consisting of amounts allocated for the State in accordance with subparagraph (A).

(C) USE OF FUNDS.—The Secretary shall use amounts maintained in a State account described in subparagraph (B) to carry out eligible programs in the appropriate State in accordance with a determination made by a State board under subsection (b)(4).

(b) STATE BOARDS.—

(1) IN GENERAL.—Each State shall establish a State board that consists of the State directors of—

(A) the Farm Service Agency;

(B) the Natural Resources Conservation Service; and

(C) the programs carried out by the Under Secretary for Rural Development.

(2) STATE CONCURRENCE.—Before any allocation of funds is made to a State board, the Secretary shall ensure that the applicable State department of agriculture reviews and is in concurrence with the proposed allocation.

(3) PRODUCER STAKEHOLDER INPUT.—A State board established under paragraph (1) shall conduct appropriate outreach activities with respect to producers and local rural and agriculture industry leaders to collect information and provide advice regarding the needs and preferred uses of the funds provided under this section.

(4) DETERMINATION.—

(A) IN GENERAL.—Each State board shall determine the use of funds allocated under subsection (a)(2) among the eligible programs described in subsection (c)(1).

(B) REQUIREMENT.—Of the funds allocated under subsection (a)(2) during each 5-year period, at least 20 percent of the funds shall be used to carry out eligible programs described in subparagraphs (M) through (P) of subsection (c)(1).

(c) ELIGIBLE PROGRAMS.—

(1) IN GENERAL.—Funds allocated to a State under subsection (b) may be used in the State—

(A) to provide stewardship payments for conservation practices under the conservation security program established under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

(B) to provide cost share for projects to reduce pollution under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), including manure management;

(C) to assist States and local groups to purchase development rights from farms and slow suburban sprawl under the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program'');

(D) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(E) to provide loans and loan guarantees to improve broadband access in rural areas in accordance with the program under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb);

(F) to provide to rural community facilities loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(G) to provide water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(H) to make value-added agricultural product market development grants under section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224);

(I) the rural microenterprise assistance program under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022);

(J) to provide organic certification cost share or transition funds under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(K) to provide grants under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001);

(L) to provide grants under the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(M) to provide vouchers for the seniors farmers' market nutrition program under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007);

(N) to provide vouchers for the farmers' market nutrition program established under section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m));

(O) to provide grants to improve access to local foods and school gardens under section 18(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(i)); and

(P) subject to paragraph (2), to provide additional locally or regionally produced commodities for use by the State any of—

(i) the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act (as added by section 4903);

(ii) the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86);

(iii) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(iv) the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(v) the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(b)).

(2) WAIVERS.—

(A) IN GENERAL.—The Secretary may waive a local or regional purchase requirement under any program described in clauses (i) through (v) of paragraph (1)(P) if the applicable State board demonstrates to the satisfaction of the Secretary that a sufficient quality or quantity of a local or regional product is not available.

(B) EFFECT.—A product purchased by a State board that receives a waiver under subparagraph (A) in lieu of a local or regional product shall be produced in the United States.

(d) MAINTENANCE OF EFFORT.—Funds made available to a program of a State under this section shall be in addition to, and shall not supplant, any other funds provided to the program under any other Federal, State, or local law (including regulations).

SEC. 1943. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

''SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

''(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

''(B) making improvements to computer software and hardware;

''(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

''(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

''(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

''(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

''(i) integrates patient-specific clinical data with well-established national treatment guidelines;

''(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

''(iii) integrates with larger health networks.

''(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

''(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

''(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

''(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

''(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

''(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

''(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

''(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

''(F) a physician or physician group practice that is located in a rural area.

''(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

''(1) purchasing health information technology to improve the quality of health care or patient safety; or

''(2) otherwise improving the quality of health care or patient safety, including through the development of—

''(A) quality improvement support structures to assist rural health facilities and professionals—

''(i) to increase integration of personal and population health services; and

''(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

''(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

''(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

''(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

''(1) to evaluate the project for which the grant is used; and

''(2) to ensure that the grant is expended for the purposes for which the grant was provided.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SA 3720. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after line 24, add the following:

SEC. 19___ SHARE OF RISK; REIMBURSEMENT RATE; FUNDING AND ADMINISTRATION.

(a) SHARE OF RISK.—

(1) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(A) by striking ''require the reinsured'' and inserting the following: ''require—

''(A) the reinsured'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B)(i) the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 12.5 percent; and

''(ii) the Corporation to pay a ceding commission to reinsured companies of 2 percent of the premium used to define the loss ratio for the book of business of the approved insurance provider that is described in clause (i).''.

(2) CONFORMING AMENDMENTS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following:

''(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).''.

(3) EFFECTIVE DATE.—The amendments made by this section take effect on June 30, 2008.

(b) REIMBURSEMENT RATE.—Notwithstanding section 1911, section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking ''Except as provided in subparagraph (B)'' and inserting ''Except as otherwise provided in this paragraph''; and

(2) by adding at the end the following:

''(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 4.0 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio, except that the reduction shall not apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

''(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.''.

(c) FUNDING AND ADMINISTRATION.—Notwithstanding section 2401, section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''2007'' and inserting ''2012''; and

(2) by striking paragraphs (3) through (7) and inserting the following:

''(3) The conservation security program under subchapter A of chapter 2, using $2,317,000,000 to administer contracts entered into as of the day before the date of enactment of the Food and Energy Security Act of 2007, to remain available until expended.

''(4) The conservation stewardship program under subchapter B of chapter 6.

''(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable, $110,000,000 for each of fiscal years 2008 through 2012.

''(6) The grassland reserve program under chapter C of chapter 2, using, to the maximum extent practicable, $300,000,000 for the period of fiscal years 2008 through 2012.

''(7) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

''(A) $1,345,000,000 for fiscal year 2008;

''(B) $1,350,000,000 for fiscal year 2009;

''(C) $1,385,000,000 for fiscal year 2010; and

''(D) $1,420,000,000 for each of fiscal years 2011 and 2012.''.

SA 3721. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, after line 19, add the following:

SEC. 2202. MUCK SOIL CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this

Act, the Secretary shall establish a muck soil conservation grant program under which the Secretary shall make grants to eligible owners and operators of land described in subsection (b) to assist the owners and operators to conserve and improve the soil, water, and wildlife resources of the land.

(b) ELIGIBLE OWNER OR OPERATOR.—To be eligible to receive a grant under this section, an individual shall be an owner of operator of land—

(1) that is comprised of soil that qualifies as muck, as determined by the Secretary;

(2) that is used for production of an agricultural crop;

(3) within which is planted, during each appropriate growing season—

(A) a spring cover crop that is planted in conjunction with a primary agricultural crop described in paragraph (2); and

(B) a winter crop; and

(4) that has ditch banks that are—

(A) seeded with grass; and

(B) maintained on a year-round basis.

(c) AMOUNT OF GRANT.—A grant provided under this section shall be in an amount that is—

(1) not less than $300 per acre, per year; and

(2) not greater than $500 per acre, per year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SA 3722. Mr. DURBIN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use to carry out this section—

''(A) $140,000,000 for fiscal year 2009;

''(B) $180,000,000 for fiscal year 2010;

''(C) $220,000,000 for fiscal year 2011; and

''(D) $260,000,000 for fiscal year 2012.''; and

(B) in paragraph (2), by striking ''such sums'' and all that follows through ''2007'' and inserting ''$300,000,000 for each of fiscal years 2008 through 2012''.

SEC. 3109. OFFSET.

Section 901(b)(4)(A) of the Trade Act of 1974 (as added by section 12101(a)) is amended by striking clause (ii) and inserting the following:

''(ii)(I) 30 percent of the amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or section 1103 of the Food and Energy Security Act of 2007 or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section; and

''(II) 20 percent of the amount of any counter-cyclical payments made to the producer under section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) or section 1104 of the Food and Energy Security Act of 2007 or of any revenue enhancement payment made at the election of the producer in lieu of that section or a subsequent section;''.

SA 3723. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REGULATION OF THE PET INDUSTRY.

(a) HIGH-VOLUME RETAILERS AND IMPORTERS.—

(1) IN GENERAL.—The Animal Welfare Act is amended by adding after section 19 (7 U.S.C. 2149) the following:

''SEC. 20. REGULATION OF HIGH-VOLUME RETAILERS AND IMPORTERS.

''(a) DEFINITIONS.—In this section:

''(1) CERTIFIED THIRD-PARTY INSPECTOR.—The term 'certified third-party inspector' means a nonprofit organization certified by the Secretary in accordance with subsection (d).

''(2) IMPORTER.—The term 'importer' has the same meaning as the term 'regulated person', except that the term also includes any person that imports into the United States any dog or cat for resale.

''(3) REGULATED PERSON.—

''(A) IN GENERAL.—The term 'regulated person' means any person who in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of—

''(i) any dog or other animal (whether alive or dead) for research, teaching, or exhibition;

''(ii) any dog or cat (whether alive or dead) at wholesale or retail; or

''(iii) any dog or cat imported into the United States for resale.

''(B) EXCEPTIONS.—The term 'regulated person' does not include—

''(i) a retail pet store, except for a retail pet store that sells—

''(I) any animal to a research facility, an exhibitor, or a regulated person; or

''(II) any dog or cat imported into the United States directly by the retail pet store;

''(ii) any animal shelter, rescue organization, or other person that does not operate for profit; or

''(iii) any person that—

''(I) sells dogs and cats only at retail;

''(II) does not import dogs and cats for resale; and

''(III)(aa) sells not more than the total number of dogs and cats described in subparagraph (C); or

''(bb) in accordance with regulations promulgated by the Secretary, is determined to be in compliance with the standards of a third-party inspector certified under subsection (d).

''(C) DESCRIPTION.—The number of dogs and cats referred to in subparagraph (B)(iii)(III)(aa) is not more than—

''(i) a total of 25 dogs and cats not bred or raised on the premises of the seller during a calendar year; or

''(ii)(I) the number of dogs and cats bred or raised during a calendar year on the premises of the seller and sold directly at retail to persons who purchase the dogs and cats for personal use and enjoyment and not for resale, provided that the total number sold during a calendar year is not more than the greater of 25 dogs and cats or the dogs and cats from not more than 6 litters; and

''(II) a total of 25 other dogs and cats not bred or raised on the premises of the seller during the calendar year.

''(4) RETAIL.—The term 'retail' means any sale that is not at wholesale.

''(5) RETAIL PET STORE.—

''(A) IN GENERAL.—The term 'retail pet store' means a retail business establishment that—

''(i) maintains a physical premises that is open to the public; and

''(ii) sells pet animals directly to the public from the retail business premises.

''(B) EXCLUSION.—The term 'retail pet store' does not include—

''(i) a person breeding dogs or cats to sell at wholesale or retail; or

''(ii) a person importing dogs or cats from outside the United States for resale.

''(6) WHOLESALE.—The term 'wholesale' means the sale of an animal for resale.

''(b) TREATMENT OF REGULATED PERSONS.—The Secretary shall treat a regulated person in the same manner that the Secretary treats a dealer under this Act.

''(c) ALTERNATIVE LICENSING OPTION.—The Secretary may issue a license under section 3 to a regulated person that deals in dogs or cats if the regulated person—

''(1) has demonstrated that the facilities of the regulated person comply with standards promulgated by the Secretary in accordance with section 13; or

''(2) has demonstrated in accordance with regulations promulgated by the Secretary that the facilities of the regulated person comply with standards established by a certified third-party inspector.

''(d) THIRD-PARTY INSPECTORS.—

''(1) REGULATIONS.—

''(A) IN GENERAL.—Not later than 36 months after the date of enactment of this subsection, the Secretary shall promulgate regulations under which the Secretary may certify nonprofit organizations that the Secretary determines to have standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2).

''(B) REQUIREMENTS.—Regulations promulgated under subparagraph (A) shall—

''(i) establish procedures under which the Secretary may certify third-party inspectors, including provisions for public notice of—

''(I) third-party certification applications;

''(II) certification decisions by the Secretary; and

''(III) the standards and inspection protocols of certified third-party inspectors;

''(ii) require each certified third-party inspector to be recertified not less than once every 3 years;

''(iii) establish procedures under which the Secretary shall decertify a certified third-party inspector that the Secretary determines has failed to maintain standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2);

''(iv) require each certified third-party inspector to immediately notify the Secretary of any person inspected by the certified third-party inspector—

''(I) whose conduct places the health of an animal in serious danger; or

''(II) who otherwise fails to comply with the standards established by the inspector (including a description of the specific failure);

''(v) require each certified third-party inspector to submit to the Secretary an annual summary report describing—

''(I) the number of inspections conducted;

''(II) the number of persons found to be out-of-compliance with the standards of the certified third-party inspector and the response actions taken;

''(III) the types of non-compliance found; and

''(IV) such other information about the program of the certified third-party inspector as the Secretary shall require, without revealing personal information about inspected persons, to ensure that the program of the third-party inspector is maintaining standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2);

''(vi) require certified third-party inspectors to submit to the Secretary copies of all inspection reports on an annual basis;

''(vii) establish procedures under which the Secretary may require certified third-party inspectors to participate in training and education programs carried out through the Animal and Plant Health Inspection Service; and

''(viii) establish procedures for compliance audits of third-party inspections.

''(C) FOIA EXEMPTION.—Section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act') shall not apply to reports described in subparagraph (B)(vi).

''(2) INSPECTIONS.—

''(A) IN GENERAL.—The Secretary shall promulgate regulations under which a regulated person dealing in dogs and cats may elect to have a certified third-party inspector inspect the regulated person and report the results of the inspection to the Secretary in lieu of inspection by the Secretary.

''(B) THIRD-PARTY INSPECTIONS OPTIONAL.—No regulated person shall be required under this Act to be inspected by a certified third-party inspector.

''(C) LIMITATION.—No person other than a regulated person may make the election described in subparagraph (A).

''(3) ENFORCEMENT.—

''(A) IN GENERAL.—The Secretary shall have exclusive enforcement authority over any violation of this Act.

''(B) INITIATION OF ACTION.—The Secretary shall investigate and, if appropriate, initiate enforcement action under this Act, immediately upon receiving notification under paragraph (1)(B)(iv).

''(4) USE OF APPROPRIATED FUNDS.—

''(A) IN GENERAL.—The Secretary may use funds appropriated to the Department of Agriculture to carry out this subsection.

''(B) PROHIBITION.—A certified third-party inspector may not use funds appropriated to Department of Agriculture.

''(e) ACCESS TO SOURCE RECORDS FOR DOGS AND CATS.—Notwithstanding any other provision of this Act, all regulated persons and retail pet stores shall prepare, retain, and make available at all reasonable times for inspection and copying by the Secretary, for such reasonable period of time as the Secretary may prescribe, a record of—

''(1)(A) the name and address of the person from whom each dog or cat acquired for resale was purchased or otherwise acquired; or

''(B) if that information is not known, the source of the dog or cat; and

''(2) if the person from whom the dog or cat was obtained is a dealer licensed by the Secretary, the Federal dealer identification number of the person.

''(f) IMPORTATION OF LIVE DOGS AND CATS.—

''(1) FINDINGS.—Congress finds that—

''(A) regulating imports of dogs and cats for resale, including restricting importation of puppies and kittens for resale, is consistent with provisions of international agreements to which the United States is a party that expressly allow for measures that are necessary—

''(i) to protect animal life or health;

''(ii) to protect human health; and

''(iii) to enjoin the use of deceptive trade practices in international and domestic commerce;

''(B) the importation of puppies into the United States for resale is increasing;

''(C) the breeding of puppies and kittens in foreign countries for resale in the United States creates opportunities and incentives for evasion of United States laws (including regulations) relating to the humane care and treatment of breeding stock, puppies, and kittens;

''(D) the conditions under which puppies are transported into the United States for resale are frequently inhumane and in violation of domestic and international standards;

''(E) there is an unacceptably high incidence of disease and death among puppies imported into the United States for resale;

''(F) the importation of puppies and kittens for resale creates unacceptable incentives for evasion of United States laws (including regulations) intended to protect animal and human health in the United States, including quarantine regulations; and

''(G) puppies and kittens imported for resale may be accompanied by fraudulent health and breeding documents, imposing high economic and emotional costs and fraud on United States citizens.

''(2) ENFORCEMENT.—An importer that fails to comply with any Federal law (including a regulation) relating to the importation of live dogs and cats into the United States shall be subject to this Act, including penalties under section 19.

''(3) REGULATIONS.—Not later than 24 months after the date of enactment of this section, the Secretary, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security, shall promulgate regulations relating to the importation of live dogs and cats into the United States for resale.

''(4) REQUIREMENTS.—Regulations promulgated under paragraph (3) shall require that—

''(A) any importer that imports into the United States a dog or cat in violation of this Act shall provide for the care, forfeiture, and adoption of the dog or cat, at the expense of the importer; and

''(B) dogs imported into the United States for resale—

''(i) be not less than 6 months of age;

''(ii) have received all necessary vaccinations, as determined by the Secretary; and

''(iii) be in good health, as determined by the Secretary.''.

(2) REGULATIONS.—Not later than 36 months after the date of enactment of this Act, the Secretary shall promulgate final regulations to carry out the amendment made by paragraph (1)

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date on which final regulations described in paragraph (2) take effect.

(b) EXTENSION OF TEMPORARY SUSPENSION PERIOD.—Section 19(a) of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) EXTENSION OF TEMPORARY SUSPENSION PERIOD.—If the Secretary has reason to believe that a violation that results in a temporary suspension pursuant to paragraph (1) is continuing or will continue after the expiration of the 21-day temporary suspension period described in that paragraph, and the violation will place the health of any animal in serious danger in violation of this Act, the Secretary may extend the temporary suspension period for such additional period as is necessary to ensure that the health of an animal is not in serious danger, as determined by the Secretary, but not to exceed 60 days.''.

(c) AUTHORITY TO APPLY FOR INJUNCTIONS.—Section 29 of the Animal Welfare Act (7 U.S.C. 2159) is amended—

(1) in subsection (a), by inserting ''or that any person is acting as a dealer or exhibitor without a valid license that has not been suspended or revoked, as required by this Act,'' after ''promulgated thereunder,'';

(2) in subsection (b), by striking the last sentence; and

(3) by adding at the end the following:

''(c) INJUNCTIONS; REPRESENTATION.—

''(1) INJUNCTIONS.—The Secretary may apply directly to the appropriate United States district court for a temporary restraining order or injunction described in subsection (a).

''(2) REPRESENTATION.—Attorneys of the Department of Agriculture may represent the Secretary in United States district court in any civil action brought under this section.''.

(d) EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section (including any regulations promulgated as a result of this section) preempts any State law (including a regulation) that provides stricter requirements than the requirements provided in the amendments made by this section.

SA 3724. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 108, strike line 3 and all that follows through page 123, line 8 and insert the following:

(A) the 2009, 2010, 2011, and 2012 crop years;

(B) the 2010, 2011, and 2012 crop years;

(C) the 2011 and 2012 crop years; or

(D) the 2012 crop year.

(2) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make the election described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(3) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (2), the producers on a farm shall submit to the Secretary notice of the election made under paragraph (1).

(4) EFFECT OF FAILURE TO MAKE ELECTION.—If the producers on a farm fail to make the election under paragraph (1) or fail to timely notify the Secretary of the election made, as required by paragraph (3), the producers shall be deemed to have made the election to receive payments and loans under subtitle A for all covered commodities and peanuts on the farm for the applicable crop year.

(b) PAYMENTS REQUIRED.—

(1) IN GENERAL.—In the case of producers on a farm who make the election under subsection (a) to receive average crop revenue payments, for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make average crop revenue payments available to the producers on a farm in accordance with this subsection.

(2) FIXED PAYMENT COMPONENT.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make average crop revenue payments available to the producers on a farm for each crop year in an amount equal to not less than the product obtained by multiplying—

(A) $15 per acre; and

(B) 100 percent of the lower of—

(i) the quantity of base acres on the farm for all covered commodities and peanuts (as adjusted in accordance with the terms and conditions of section 1101 or 1302, as determined by the Secretary); or

(ii) the average of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm during the 2002 through 2007 crop years.

(3) REVENUE COMPONENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

(B) PRICES.—The Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

(i) the amount determined by multiplying—

(I) the actual yield for the covered commodity or peanuts of the producers on the farm; and

(II) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under subsection (c)(3); is less than

(ii) the amount determined by multiplying—

(I) the yield used to calculate crop insurance coverage for the covered commodity or peanuts on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (commonly referred to as ''actual production history''); and

(II) the pre-planting price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3).

(4) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make—

(A) payments under the fixed payment component described in paragraph (2) not earlier than October 1 of the calendar year in which the crop of the covered commodity or peanuts is harvested; and

(B) payments under the revenue component described in paragraph (3) beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(3)(A), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

(B) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (d)(1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) AVERAGE CROP REVENUE PROGRAM HARVEST PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the average crop revenue program harvest price for a crop year for a covered commodity or peanuts in a State shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity or peanuts in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(B) ASSIGNED PRICE.—If the Secretary cannot establish the harvest price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(d) AVERAGE CROP REVENUE PROGRAM GUARANTEE.—

(1) IN GENERAL.—The average crop revenue program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(A) the expected State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(B) the average crop revenue program preplanting price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) EXPECTED STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the projected yield for the crop year for the covered commodity or peanuts in the State, based on a linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State (as determined under subparagraph (A)) is negative, the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) AVERAGE CROP REVENUE PROGRAM PREPLANTING PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraphs (B) and (C), the average crop revenue program pre-planting price for a crop year for a covered commodity or peanuts in a State shall equal the average price that is used to calculate revenue under revenue coverage plans that are offered for the covered commodity in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop year and the preceding 2 crop years.

(B) ASSIGNED PRICE.—If the Secretary cannot establish the pre-planting price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(C) MINIMUM AND MAXIMUM PRICE.—In the case of each of the 2011 through 2012 crop years, the average crop revenue program preplanting price for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 15 percent from the pre-planting price for the preceding year.

(e) PAYMENT AMOUNT.—Subject to subsection (f), if average crop revenue payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under subsection (b)(3), in addition to the amount payable under subsection (b)(2), the amount of the average crop revenue payment to be paid to the producers on the farm for the crop year under this section shall be increased by an amount equal to the product obtained by multiplying—

(1) the difference between—

(A) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(B) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c);

(2) 95 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year;

(3) the quotient obtained by dividing—

(A) the expected county yield for the crop year, determined for the county in the same manner as the expected State yield is determined for a State under subsection (d)(2); by

(B) the expected State yield for the crop year, as determined under subsection (d)(2); and

(4) 90 percent.

(f) LIMITATION ON PAYMENT AMOUNT.—The amount of the average crop revenue payment to be paid to the producers on a farm for a crop year of a covered commodity or peanuts under subsection (e) shall not exceed 25 percent of the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in a State determined under subsection (d)(1).

(g) RECOURSE LOANS.—For each of the 2009 through 2012 crops of a covered commodity or peanuts, the Secretary shall make available to producers on a farm who elect to receive payments under this section recourse loans, as determined by the Secretary, on any production of the covered commodity.

SEC. 1402. PRODUCER AGREEMENT AS CONDITION OF AVERAGE CROP REVENUE PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive average crop revenue payments with respect to the farm, the producers shall agree, and in the case of subparagraph (C), the Farm Service Agency shall certify, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.); and

(C) that the individuals or entities receiving payments are producers;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under part III of subtitle A, for an

agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use (including land subdivided and developed into residential units or other nonfarming uses, or that is otherwise no longer intended to be used in conjunction with a farming operation), as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the nonculti-vation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm for which average crop revenue payments are made shall result in the termination of the payments, unless the transferee or owner of the farm agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to an average crop revenue payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—

(1) IN GENERAL.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PENALTIES.—No penalty with respect to benefits under subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of average crop revenue payments among the producers on a farm on a fair and equitable basis.

(f) AUDIT AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(1) conduct an audit of average crop revenue payments; and

(2) submit to Congress a report that describes the results of that audit.

SEC. 1403. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm for which the producers on a farm elect to receive average crop revenue payments (referred to in this section as ''base acres'').

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that average crop revenue payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) average crop revenue payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—Producers on a farm that elect to receive average crop revenue payments shall be eligible to participate in the pilot program established under section 1106(d) under the same terms and conditions as producers that receive direct payments and counter-cyclical payments.

(e) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), effective beginning with the 2009 crop.

SA 3725. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 336, strike lines 6 through 21 and insert the following:

''(4) COMPENSATION.—Effective on the date of enactment of this paragraph, the Secretary shall pay the lowest amount of compensation for a conservation easement, as determined by a comparison of—

''(A) the amount necessary to encourage the enrollment of parcels of land that are of importance in achieving the purposes of the program, as determined by the State Conservationist, in cooperation with the State technical committee, based on—

''(i) the net present value of 30 years of annual rental payments based on the county simple average soil rental rates developed under subchapter B;

''(ii) an area-wide market analysis or survey; or

''(iii) an amount not less than the value of the agricultural or otherwise undeveloped raw land based on the Uniform Standards of Professional Appraisal Practices;

''(B) the amount corresponding to a geographical area value limitation, as determined by the State Conservationist, in cooperation with the State technical committee; and

''(C) the amount contained in the offer made by the landowner.

''(5) PAYMENT SCHEDULE.—Except as otherwise provided in this subchapter, payments may be provided under this subchapter pursuant to an easement agreement, contract, or other agreement, in a lump sum payment, or in not more than 30 annual payments in equal or unequal amounts, as agreed to by the Secretary and the landowner.''.

SA 3726. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended by striking subsection (c) and inserting the following:

''(c) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

''(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

''(A) $3,000,000; or

''(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.

''(3) EASTERN SNAKE PLAIN AQUIFER PILOT.—

''(A) IN GENERAL.—Of the funds made available under paragraph (1), the Secretary shall reserve not less than $2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

''(B) APPROVAL.—The Secretary may approve regional water conservation activities under this paragraph that address, in whole or in part, water quality issues.''.

SA 3727. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended by striking subsection (c) and inserting the following:

''(c) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

''(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

''(A) $3,000,000; or

''(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.''.

SA 3728. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 471, strike line 22 and insert the following:

''(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

''(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

''(aa) the Chesapeake Bay;

''(bb) the Upper Mississippi River basin;

''(cc) the greater Everglades ecosystem;

''(dd) the Klamath River basin;

''(ee) the Sacramento/San Joaquin River watershed;

''(ff) the Mobile River Basin; and

''(gg) the Ogallala Aquifer.

''(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

''(v) DURATION.—

SA 3729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 398, strike lines 22 through 26 and insert the following:

''(8) to assist producers in developing water conservation plans;

''(9) to reduce groundwater depletion, with priority given to regions that have significant rates of withdrawal or historic depletions due to agricultural use; and

''(10) to promote any other measures that improve groundwater and surface water conservation, as determined by the Secretary.

SA 3730. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 775, strike line 22 and all that follows through page 776, line 19 and insert the following:

''(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

''(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than—

''(i) an area described in clause (i), (ii), or (iii) of subparagraph (A); and

''(ii) a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine (pursuant to a petition by a local comunity or on the inititative of the Under Secretary) that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

''(ii) ADMINISTRATION.—In carrying out clause (i), the Under Secretary for Rural Development—

''(I) shall not delegate the authority described in clause (i); but

''(II) shall consult with the applicable rural development State or regional director of the Department of Agriculture.

''(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.''.

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the various definitions of the term ''rural'' and ''rural area''that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs;

(4) describes the effects the changes to the definitions of the terms ''rural'' and ''rural area'' in the Farm Security and Rural Investment Act of 2002 and this Act had on those programs and eligible areas; and

(5) determines what effects the changes had on the level of rural development funding and participation in those programs in each State.

SA 3731. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 776 strike line 19 and insert the following:

20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

''(ii) DELEGATIONS.—The authority described in clause (i) may not be delegated by the Under Secretary for Rural Development.

''(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because a census block in the cluster is adjacent to only 1 census block that—

''(i) is otherwise considered not in a rural area under this paragraph; and

''(ii) is also adjacent to only 1 census block that is otherwise considered not in a rural area.''.

SA 3732. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agrucultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 774, strike line 10 and all that follows through page 776, line 19, and insert the following:

(a) RURAL AREA.—

(1) DEFINITION.—Section 343(a)(13) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The terms 'rural' and 'rural area' mean—

''(i) any area other than a city or town that has a population of greater than 50,000 inhabitants, except that, for all activities under programs in the rural development mission area within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any portion of the areas as a rural area or eligible rural community that the Secretary determines is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place; and

''(ii) any urbanized area contiguous and adjacent to such a city or town.''.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) assesses the various definitions of the term ''rural'' that are used with respect to programs administered by the Secretary addressed in this title of this Act;

(B) describes the effects that the variations in those definitions have on those programs; and

(C) makes recommendations for ways to better target funds provided through rural development programs addressed in this title of this Act.

SA 3733. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that reduce dependence on antibiotic use.''.

On page 987, line 18, insert after ''genomics)'' the following: '', the movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters, and methods and practices to ensure health and reduce the use of antibiotics; and methods to transition to practices and systems that minimize antibiotic use''.

On page 1002, after line 21, insert the following:

SEC. 73___. RESEARCH AND EDUCATION GRANTS TO PREVENT ANTIBIOTIC RESISTANT BACTERIA THAT MAY BE TRANSFERRED FROM LIVESTOCK TO HUMANS.

(a) IN GENERAL.—The Secretary shall award research and education grants to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

(1) be an institution of higher education, a public or private nonprofit organization, or an individual; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—An entity shall use a grant awarded under this section to conduct research to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans, including research on—

(1) methods and practices of animal husbandry that reduce dependence on antibiotic use;

(2) movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters;

(3) methods and practices that ensure health and reduce use of antibiotics;

(4) methods to transition to practices and systems that avoid antibiotic use; and

(5) the transmission of antibiotic resistant traits among related and unrelated bacteria.

(d) ADMINISTRATION.—Grants under this section shall be awarded on a competitive and formula basis.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SA 3734. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that reduce dependence on antibiotic use.''.

On page 987, line 18, insert after ''genomics)'' the following: '', the movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters, and methods and practices to ensure health and reduce the use of antibiotics; and methods to transition to practices and systems that minimize antibiotic use''.

On page 1002, after line 21, insert the following:

SEC. 73___. RESEARCH AND EDUCATION GRANTS TO PREVENT ANTIBIOTIC RESISTANT BACTERIA THAT MAY BE TRANSFERRED FROM LIVESTOCK TO HUMANS.

(a) IN GENERAL.—The Secretary shall award research and education grants to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

(1) be an institution of higher education, a public or private nonprofit organization, or an individual; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—An entity shall use a grant awarded under this section to conduct research to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans, including research on—

(1) methods and practices of animal husbandry that reduce dependence on antibiotic use;

(2) movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters;

(3) methods and practices that ensure health and reduce use of antibiotics;

(4) methods to transition to practices and systems that avoid antibiotic use; and

(5) the transmission of antibiotic resistant traits among related and unrelated bacteria.

(d) ADMINISTRATION.—Grants under this section shall be awarded on a competitive and formula basis.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SA 3735. Mrs. CLINTON (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike line 24 and insert the following:

''(j) COMPREHENSIVE RURAL BROADBAND STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing a comprehensive rural broadband strategy that includes—

''(A) recommendations—

''(i) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the polices, programs, and services;

''(ii) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

''(iii) to address both short- and long-term solutions and needs assessments for a rapid build-out of rural broadband solutions and applications for Federal, State, regional, and local government policy makers;

''(iv) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

''(v) to promote successful model deployments and appropriate technologies being used in rural areas so that State, regional, and local governments can benefit from the cataloging and successes of other State, regional, and local governments; and

''(B) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

''(2) UPDATES.—The Under Secretary shall update and evaluate the report described in paragraph (1) on an annual basis.

''(k) FUNDING.—

SA 3736. Mr. WYDEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1097, strike line 1 and all that follows through page 1103, line 15, and insert the following:

"SEC. 9004. BIOENERGY CROP TRANSITION ASSISTANCE.

''(a) BIOENERGY CROP TRANSITION ASSISTANCE PROGRAM.—

''(1) PURPOSES.—The purposes of the program established under this subsection are—

''(A) to promote the production of a diverse array of eligible bioenergy crops across the United States in a sustainable manner that protects the soil, air, water, and wildlife, to the maximum extent practicable;

''(B) to provide financial and technical assistance to owners and operators of eligible cropland to produce perennial bioenergy crops of suitable quality and in sufficient quantities to support and induce development and expansion of the use of the bioenergy crops for—

''(i) biofuels; or

''(ii) power or heat generation to supplement or replace nonbiobased energy resources; and

''(C) to gather technical information necessary to increase sustainable bioenergy crop production in the future.

''(2) DEFINITIONS.—In this section:

''(A) BIOENERGY CROP.—

''(i) IN GENERAL.—The term 'bioenergy crop' means a perennial tree or plant native to the United States or another perennial plant as determined by the Secretary, that can be grown to provide raw renewable biomass energy or biofuels.

''(ii) EXCLUSIONS.—The term 'bioenergy crop' does not include—

''(I) any crop that is eligible for benefits under title I of the Food and Energy Security Act of 2007;

''(II) any plant that—

''(aa) the Secretary determines to be invasive or noxious on a regional basis under the Plant Protection Act (7 U.S.C. 7701 et seq.); or

''(bb) has the potential to become invasive or noxious on a regional basis as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies; or

''(III) any plant produced on land that, as of the date of enactment of the Food and Energy Security Act of 2007, is—

''(aa) in accordance with clause (iii), grassland that was not previously tilled or broken, as defined by the Secretary, in consultation with the Secretary of the Interior;

''(bb) native forest; or

''(cc) wetland.

''(iii) GRASSLAND.—Grassland described in clause (ii)(III)(aa) does not include land that, for at least 3 of the 5 crop years preceding the date of enactment of the Food and Energy Security Act of 2007, has been devoted to managed pasture.

''(B) BIOENERGY CROP TRANSITION ASSISTANCE PAYMENT.—The term 'bioenergy crop transition assistance payment' means an annual payment to a bioenergy crop producer who is participating in an approved bioenergy crop transition assistance program project under this subsection.

''(C) COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM.—The term 'comprehensive stewardship incentives program' means the program established under chapter 6 of subtitle D of title XII of the Food Security Act of 1985.

''(D) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a group of agricultural landowners and operators producing or proposing to produce eligible bioenergy crops together with the owner or operator of an existing or proposed biomass conversion facility that intends to use the bioenergy crops.

''(3) PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a competitive process under which the Secretary, acting through the Natural Resources Conservation Service, shall select projects of eligible applicants from geographically-diverse areas of the United States to participate in the bioenergy crop transition assistance program under this subsection.

''(B) APPLICATION ASSISTANCE.—

''(i) IN GENERAL.—An eligible applicant may apply for a project planning grant of up to $50,000 to assist in assembling a bioenergy crop transition assistance program application.

''(ii) MATCHING REQUIREMENT.—To receive a planning grant under clause (i), the eligible applicant shall provide 100 percent matching funding.

''(C) APPLICATION REQUIREMENTS.—An application submitted under the competitive process described in subparagraph (A) shall include—

''(i) the designation of a proposed bioenergy supply region at a distance economically practicable for transportation of the bioenergy crop to the biomass conversion facility;

''(ii) letters of intent from the agricultural landowners and operators applying for the project application, in the proposed supply region to produce a minimum specified number of acres of bioenergy crops;

''(iii) documentation from the eligible applicants that describes—

''(I) the variety of bioenergy crop the owners and operators have committed to producing; and

''(II) the variety of crop that the owners and operators would have grown if the owners and operators had not committee to producing the bioenergy crop; and

''(iv) a letter of intent from the owners or operators of the existing or proposed biomass conversion facility in the bioenergy supply region to use the bioenergy crops described in clause (iii)(I).

''(D) SELECTION CRITERIA.—In selecting projects from applications submitted under this subsection, the Secretary shall—

''(i) consider—

''(I) the likelihood that the project will become viable; and

''(II) the geographic diversity of the projects; and

''(ii) give priority to projects that—

''(I) involve ecologically appropriate proposed bioenergy crops;

''(II) have the highest estimated benefits to wildlife, air, soil, and water quality improvement;

''(III) include plans to grow polycultures of at least 2 species;

''(IV) include the participation of beginning farmers or ranchers or socially disadvantaged farmers or ranchers; or

''(V) include local ownership of the biomass conversion facility of the project.

''(4) CONTRACT REQUIREMENTS.—

''(A) IN GENERAL.—An agricultural producer described in an application for a project selected by the Secretary under paragraph (3) shall have the opportunity to enroll eligible cropland of the agricultural producer under a contract entered into with the Secretary, acting through the Natural Resources Conservation Service.

''(B) REQUIREMENTS.—Under a contract described in subparagraph (A), an agricultural producer shall be required—

''(i) to produce 1 or more perennial eligible bioenergy crops;

''(ii) to meet the stewardship threshold (as determined under the comprehensive stewardship incentives program) for water, wildlife, and soil quality by the end of the last year of the contract described in subparagraph (A);

''(iii) to cooperate with the Secretary in the process of gathering such information as the Secretary shall require for the purposes of the study under paragraph (6); and

''(iv) to restrict the harvesting of bioenergy crops until after the end of the brooding and nesting season, in accordance with regional regulations promulgated by the Secretary in consultation with—

''(I) State Conservationists of the Natural Resources Conservation Service;

''(II) the United States Fish and Wildlife Service; and

''(III) State wildlife agencies.

''(5) CONTRACT BENEFITS.—

''(A) IN GENERAL.—An agricultural producer that has entered into a contract described in paragraph (4) shall be eligible to receive, as determined by the Secretary—

''(i) a Federal cost share for the cost of establishing the bioenergy crop produced by the agricultural producer under the project in an amount that is equal to—

''(I) 50 percent of the total cost;

''(II) in the case of a beginning farmer or rancher or a socially disadvantaged farmer or ranchers, 75 percent of the total cost; or

''(III) in the case of eligible producers that establish a polyculture crop mix of at least 3 perennial species, 90 percent of the total cost; and

''(ii) an annual bioenergy crop transition incentive payment in an amount determined by the Secretary.

''(B) COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM PRIORITY.—During the project contract period, an agricultural producer that meets comprehensive stewardship incentives program eligibility requirements shall have a priority for enrollment in the stewardship section of that program, including enhanced payments for—

''(i) the maintenance and active management of a conservation system that incorporates 2 or more native perennial bioenergy crop species; and

''(ii) participation in a research and demonstration project.

''(C) USE OF CROP.—If the bioenergy crop cannot be sold to the biomass conversion facility designated in the project application, the agricultural producer may use the crop for other purposes that are in compliance with the contract requirements described in paragraph (4).

''(6) STUDY AND REPORT.—The Secretary shall carry out a study of the results of the projects funded under this section, including—

''(A) the production potential of a variety of bioenergy crops and crop mixes;

''(B) the effect of the harvesting of bioenergy crops on—

''(i) wildlife and stand establishment;

''(ii) carbon and nitrogen cycles; and

''(iii) erosion, sedimentation, soil compaction, and soil health;

''(C) the impacts on water quality and consumption;

''(D) the soil carbon content and lifecycle greenhouse gas emissions of different bioenergy crops and the uses of the crops; and

''(E) the economic effectiveness of the incentives under this section in encouraging agricultural producers to produce bioenergy crops.

''(b) FOREST BIOMASS PLANNING GRANTS.—The Secretary shall provide forest biomass planning assistance grants to private landowners to develop forest stewardship plans that involve sustainable management of biomass from forest land of the private landowners that will preserve diversity, soil, water, or wildlife values of the land, while ensuring a steady supply of biomass material, through—

''(1) State forestry agencies, in consultation with State wildlife agencies; and

''(2) technical service provider arrangements with third parties.

''(c) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION OF RENEWABLE BIOMASS.—

''(1) IN GENERAL.—The Secretary shall establish a program to provide assistance to an agricultural producer, forest land owner, or timber harvester holding the right to collect or harvest renewable biomass, for collecting, harvesting, transporting, and storing renewable biomass that is sustainably harvested and collected to be used in the production of advanced biofuels, heat, or power from a biomass conversion facility.

''(2) PAYMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), an entity described in paragraph (1) shall receive payments under this subsection for each ton of renewable biomass delivered to a biomass conversion facility, based on a fixed rate to be established by the Secretary in accordance with subparagraph (B).

''(B) FIXED RATE.—The Secretary shall establish a fixed payment rate for purposes of subparagraph (A) to reflect—

''(i) the estimated cost of collecting, harvesting, storing, and transporting the applicable renewable biomass; and

''(ii) such other factors as the Secretary determines to be appropriate.

''(C) FOREST LAND OWNER ELIGIBILITY.—Owners of forest land shall be eligible to receive payments under this subsection only if the owners are acting pursuant to a forest stewardship plan.

''(d) FUNDING.—

''(1) BIOMASS CROP TRANSITION ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsections (a) and (b) $130,000,000 for fiscal year 2008, to remain available until expended, of which not more than 10 percent shall be used to carry out subsection (b).

''(2) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE AND TRANSPORT OF RENEWABLE BIOMASS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out subsection (c) $10,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

SA 3737. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 1 on page 872, strike through line 3 on page 879 and insert the following:

SUBTITLE C—BROADBAND DATA IMPROVEMENT

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Broadband Data Improvement Act''.

SEC. 6202. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 6203. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07-38 which shall, at a minimum—

(1) identify tiers of broadband service, among those used by the Commission in collecting Form 477 data, in which a substantial majority of the connections in such tier provide consumers with an information transfer rate capable of reliably transmitting full-motion, high definition video; and

(2) revise its Form 477 reporting requirements as necessary to enable the Commission to identify actual numbers of broadband connections subscribed to by residential and business customers, separately, either within a relevant census tract from the most recent decennial census, a 9-digit postal zip code, or a 5-digit postal zip code, as the Commission deems appropriate.

(b) EXCEPTION.—The Commission shall exempt an entity from the reporting requirements of subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(c) PROPRIETARY INFORMATION.—Nothing in this section shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this section be construed to compel the Commission to make publically available any proprietary information. Any information collected by the Commission pursuant to this section that reveals any competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by the Commission.

(d) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking ''regularly'' in subsection (b) and inserting ''annually'';

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

''(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected through Form 477 reporting requirements.

''(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

''(1) the population;

''(2) the population density; and

''(3) the average per capita income.''.

(e) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

SEC. 6204. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 6205. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6206. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed; and

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, including information transfer rates identified under section 6203(a)(2) of this subtitle, to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, including the availability of broadband service connections meeting information transfer rates identified by the Commission under section 6203(a)(2) of this subtitle, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this subtitle and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology;

(D) that has a board of directors a majority of which is not composed of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency; and

(E) that has a board of directors which does not include any member that is employed either by a broadband service provider or by any other company in which a broadband service provider owns a controlling or attributable interest.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(k) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this subtitle any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

SA 3738. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, add the following:

SEC. 7_____. VITICULTURE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the ways in which the projected changes in climate conditions, including projected increase in global temperature, during the 25-year period beginning on the date of enactment of this Act will—

(A) change the vineyard suitability of the 10 largest wine-producing States with respect to vineyard location and varieties of grape grown; and

(B) cause vineyard grape growers to change vineyard management practices.

(2) SURVEY.—The study under paragraph (1) shall include a survey of the state of plant breeding science that could allow cultivars or rootstocks to better adapt to warmer environments and soil conditions expected as a result of the projected change in climate conditions described in paragraph (1).

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study under subsection (a), including recommendations of the Secretary, if any, regarding whether increased granular modeling of the climate of grape-growing regions should be required to mitigate the impacts of the projected changes in climate conditions, including projected increase in global temperature, on viticulture in the United States.

SA 3739. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 20 and all that follows through page 213, line 5, and insert the following:

''(1) CROP YEARS.—

''(A) 2009 CROP YEAR.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during the 2009 crop year if the average adjusted gross income of the individual or entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(B) 2010 AND SUBSEQUENT CROP YEARS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2010 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $750,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) Title XII of this Act.

''(B) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(D) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(E) Title II of the Food and Energy Security Act of 2007.

''(F) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223).

SA 3740. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, strike lines 4 through 14, and insert the following:

Act, may not exceed $40,000 (as adjusted under paragraph (3) in the case of corn).

''(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under part I of subtitle A of title I of the Food and Energy Security Act of 2007 for one or more covered commodities (except for peanuts), or average crop revenue payments determined under section 1401(b)(3) of that Act, may not exceed $60,000 (as adjusted under paragraph (3) in the case of corn).

''(3) SPECIAL RULE FOR CORN.—

''(A) IN GENERAL.—For each crop year, the Secretary shall calculate a per bushel ethanol benefit for corn resulting from Federal incentives for ethanol.

''(B) REDUCTION IN PAYMENTS.—

''(i) REDUCTION OF DIRECT PAYMENT.—The maximum amount of direct payments that a person or legal entity is entitled to receive for a crop year for corn under paragraph (1), or average crop revenue payments determined under section 1401(b)(2) of the Food and Energy Security Act of 2007, shall be reduced by an amount equal to the product obtained by multiplying—

''(I) the amount of the ethanol benefit calculated under subparagraph (A); by

''(II) the actual quantity of corn produced by the individual or entity during the preceding crop year.

''(ii) REDUCTION OF COUNTER-CYCLICAL PAYMENTS.—If the amount calculated under subclauses (I) and (II) of clause (i) for a person or legal entity exceeds the amount of direct payments the person or legal entity would otherwise be entitled to receive under paragraph (1) for corn, the maximum amount of counter-cyclical payments for corn that the person or legal entity is entitled to receive under paragraph (2), or average crop revenue payments determined under section 1401(b)(3) of the Food and Energy Security Act of 2007, shall be reduced by the excess amount.

SA 3741. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1486, line17, strike all through page 1487, line 7, and insert the following:

''(3) REDUCED AMOUNT AFTER SALE OF 5,000,000,000 GALLONS.—

''(A) IN GENERAL.—In the case of any calendar year beginning after the date described in subparagraph (B), the last row in the table in paragraph (2) shall be applied by substituting '46 cents' for '51 cents'.

''(B) DATE DESCRIBED.—The date described in this subparagraph is the first date on which 5,000,000,000 gallons of ethanol (including cellulosic ethanol) have been produced in or imported into the United States after the date of the enactment of this paragraph, as certified by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.''.

SA 3742. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. ____. ENERGY SAVINGS CERTIFICATION REQUIREMENT WITH RESPECT TO CREDIT FOR ETHANOL FUELS.

(a) INCOME TAX CREDIT.—Paragraph (2) of section 40(h) (relating to reduced credit amount for ethanol blenders) is amended—

(1) by striking ''For purposes of paragraph (1), the blender amount'' and inserting ''For purposes of paragraph (1)—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the blender amount'', and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE WITH RESPECT TO UNCERTIFIED ETHANOL.—

''(i) IN GENERAL.—In the case of any alcohol or alcohol fuel mixture which contains ethanol that does not meet the requirements of clause (ii), the blender amount and the low-proof blender amount shall be zero.

''(ii) CERTIFICATION OF NET ENERGY SAVINGS FOR ETHANOL.—Ethanol meets the requirements of this paragraph if such ethanol has been produced at a facility at which the process for the production of ethanol is certified by the Environmental Protection Agency as resulting in a net energy savings.''.

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is—

''(A) 60 cents in the case of an alcohol fuel mixture in which none of the alcohol is ethanol, and

''(B) in the case of an alcohol fuel mixture which contains ethanol—

''(i) 51 cents if all ethanol used in the alcohol fuel mixture meets the requirement of paragraph (5), and

''(ii) zero in any other case.''.

(2) CERTIFICATION.—Subsection (b) of section 6426 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) CERTIFICATION OF NET ENERGY SAVINGS FOR ETHANOL.—Ethanol meets the requirements of this paragraph if such ethanol has been produced at a facility at which the process for the production of ethanol is certified by the Environmental Protection Agency as resulting in a net energy savings.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or use after the date of the enactment of this Act.

SA 3743. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, between lines 2 and 3, insert the following:

SEC. 750__. ANIMAL BIOSCIENCE FACILITY, BOZEMAN, MONTANA.

There is authorized to be appropriated to the Secretary for the period of fiscal years 2008 through 2012 $16,000,000, to remain available until expended, for the construction in Bozeman, Montana, of an animal bioscience facility within the Agricultural Research Service.

SA 3744. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 692, between lines 17 and 18, insert the following:

SEC. 49___. EFFECT OF PARTICIPATION IN FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(6)) is amended by adding at the end the following:

''(G) EFFECT OF PARTICIPATION.—The Secretary shall not restrict any State that participates in the program under this subsection to a per recipient cap for the amount of Federal food benefits allocated for recipients under the program.''.

SA 3745. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 664, strike line 23 and all that follows through page 665, line 5, and insert the following:

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following:

''(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

''(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

''(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

''(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

''(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

''(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

''(i) be planted, cared for, and harvested by students at the eligible schools; and

''(ii) teach the students participating in the community gardens about agriculture, sound farming practices, and diet.

''(C) PRIORITY STATES.—Of the States provided a grant under this paragraph—

''(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

''(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

''(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

''(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

''(i) used to supplement food provided at the eligible school;

''(ii) distributed to students to bring home to the families of the students; or

''(iii) donated to a local food bank or senior center nutrition program.

''(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

''(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).

''(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000.''; and

(4) in paragraph (4) (as redesignated by paragraph (2)), by inserting ''(other than paragraph (3))'' after ''this subsection''.

SA 3746. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REPORT RELATING TO THE ENDING OF CHILDHOOD HUNGER IN THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the United States has the highest rate of childhood poverty in the industrialized world, with over 1/5 of all children of the United States living in poverty, and almost half of those children living in extreme poverty;

(2) childhood poverty in the United States is growing rather than diminishing;

(3) households with children experience hunger at more than double the rate as compared to households without children;

(4) hunger is a major problem in the United States, with the Department of Agriculture reporting that 12 percent of the citizens of the United States (approximately 35,000,000 citizens) could not put food on the table of those citizens at some point during 2006;

(5) of the 35,000,000 citizens of the United States that have very low food security—

(A) 98 percent of those citizens worried that money would run out before those citizens acquired more money to buy more food;

(B) 96 percent of those citizens had to cut the size of the meals of those citizens or even go without meals because those citizens did not have enough money to purchase appropriate quantities of food; and

(C) 94 percent of those citizens could not afford to eat balanced meals;

(6) the phrase ''people with very low food security'', a new phrase in our national lexicon, in simple terms means ''people who are hungry'';

(7) 30 percent of black and Hispanic children, and 40 percent of low income children, live in households that do not have access to nutritionally adequate diets that are necessary for an active and healthy life;

(8) the increasing lack of access of the citizens of the United States to nutritionally adequate diets is a significant factor from which the Director of the Centers for Disease Control and Prevention concluded that ''during the past 20 years there has been a dramatic increase in obesity in the United States'';

(9) during the last 3 decades, childhood obesity has—

(A) more than doubled for preschool children and adolescents; and

(B) more than tripled for children between the ages of 6 and 11 years;

(10) as of the date of enactment of this Act, approximately 9,000,000 children who are 6 years old or older are considered obese;

(11) scientists have demonstrated that there is an inverse relation between obesity and doing well in school; and

(12) a study published in Pediatrics found that ''6- to 11-year-old food-insufficient children had significantly lower arithmetic scores and were more likely to have repeated a grade, have seen a psychologist, and have had difficulty getting along with other children''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a national disgrace that many millions of citizens of the United States, a disproportionate number of whom are children, are going hungry in this great nation, which is the wealthiest country in the history of the world;

(2) because the strong commitment of the United States to family values is deeply undermined when families and children go hungry, the United States has a moral obligation to abolish hunger; and

(3) through a variety of initiatives (including large funding increases in nutrition programs of the Federal Government), the United States should abolish child hunger and food insufficiency in the United States by the 2013.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the relevant committees of Congress a report that describes the best and most cost-effected manner by which the Federal Government could allocate an increased amount of funds to new programs and programs in existence as of the date of enactment of this Act to achieve the goal of abolishing child hunger and food insufficiency in the United States by 2013.

SA 3747. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

''(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

''(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

''(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

''(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

''(i) part I of subtitle A,

''(ii) part III (other than sections 1307 and 1308) of subtitle A, or

''(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

''(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

''(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SA 3748. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

SA 3749. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1473, strike line 3 and all that follows through page 1480, line 3, and insert the following:

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the small cellulosic alcohol producer credit.''.

(b) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

''(i) $1.28, over

''(ii) the sum of—

''(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

''(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) LIMITATION.—

''(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

''(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(E) CELLULOSIC BIOMASS ALCOHOL.—

''(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

''(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before April 1, 2015.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(G)'' after ''by reason of paragraph (1)'' in paragraph (2), and

(B) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) ALCOHOL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SMALL CELLULOSIC ALCOHOL PRODUCERS.—No small cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SA 3750. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1473, strike line 3 and all that follows through page 1480, line 3, and insert the following:

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the small cellulosic alcohol producer credit.''.

(b) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

''(i) $1.28, over

''(ii) the sum of—

''(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

''(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) LIMITATION.—

''(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

''(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(E) CELLULOSIC BIOMASS ALCOHOL.—

''(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

''(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before April 1, 2015.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(G)'' after ''by reason of paragraph (1)'' in paragraph (2), and

(B) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) ALCOHOL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SMALL CELLULOSIC ALCOHOL PRODUCERS.—No small cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

On page 1482, line 20, strike '', as amended by this Act,''.

On page 1482, line 22, strike ''(j)'' and insert ''(i)''.

On page 1485, line 16, strike ''section 312 of''.

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

''(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

''(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

''(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

''(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

''(i) part I of subtitle A,

''(ii) part III (other than sections 1307 and 1308) of subtitle A, or

''(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

''(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

''(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SA 3751. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, between lines 4 and 5, insert the following:

SEC. 64____. RIO GRANDE BASIN MANAGEMENT PROJECT.

The Food Security Act of 1985 is amended by inserting after section 1240K (as added by section 2361) the following:

''SEC. 1240L. RIO GRANDE BASIN MANAGEMENT PROJECT.

''(a) DEFINITION OF RIO GRANDE BASIN.—In this section, the term 'Rio Grande Basin' includes all tributaries, backwaters, and side channels (including watersheds) of the United States that drain into the Rio Grande River.

''(b) ESTABLISHMENT.—The Secretary, in conjunction with partnerships of institutions

of higher education working with farmers, ranchers, and other rural landowners, shall establish a program under which the Secretary shall provide grants to the partnerships to benefit the Rio Grande Basin by—

''(1) restoring water flow and the riparian habitat;

''(2) improving usage;

''(3) addressing demand for drinking water;

''(4) providing technical assistance to agricultural and municipal water systems; and

''(5) researching alternative treatment systems for water and waste water.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—A grant provided under this section may be used by a partnership for the costs of carrying out an activity described in subsection (b), including the costs of—

''(A) direct labor;

''(B) appropriate travel;

''(C) equipment;

''(D) instrumentation;

''(E) analytical laboratory work;

''(F) subcontracting;

''(G) cooperative research agreements; and

''(H) similar related expenses and costs.

''(2) LIMITATION.—A grant provided under this section shall not be used to purchase or construct any building.

''(d) REPORTS.—A partnership that receives a grant under this subsection shall submit to the Secretary annual reports describing—

''(1) the expenses of the partnership during the preceding calendar year; and

''(2) such other financial information as the Secretary may require.

''(e) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.''.

SA 3752. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, between lines 7 and 8, insert the following:

SEC. 7003. USE OF FEDERAL FUNDS MADE AVAILABLE FOR COOPERATIVE CENTERS.

Section 1409A(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124a(b)) is amended—

(1) by striking ''(b) In order to promote'' and inserting the following:

''(b) COOPERATIVE HUMAN NUTRITION CENTERS.—

''(1) IN GENERAL.—To promote''; and

(2) by adding at the end the following:

''(2) PROHIBITION RELATING TO REDUCTION OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall not, with respect to any cooperative children's human nutrition center located in Houston, Texas, or Little Rock, Arkansas—

''(A) reduce the amount of Federal funds made available by any Act through rescission, reprogramming, or project termination; or

''(B) withhold an amount greater than 5 percent of the amount of Federal funds made available by any Act for direct, indirect, or administrative costs.''.

SA 3753. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike lines 4 through 8.

On page 36, strike lines 14 through 21.

On page 110, strike lines 18 through 23.

Beginning on page 266, strike line 11 and all that follows through page 267, line 7.

Beginning on page 275, strike line 15 and all that follows through page 276, line 2.

SA 3754. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. DURBIN, Mr. SCHUMER, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 268, strike line 8 and all that follows through page 293, line 2, and insert the following:

SEC. 1908. PREMIUM REDUCTION PLAN.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

''(6) DISCOUNT STUDY.—

''(A) IN GENERAL.—The Secretary shall commission an entity independent of the crop insurance industry (with expertise that includes traditional crop insurance) to study the feasibility of permitting approved insurance providers to provide discounts to producers purchasing crop insurance coverage without undermining the viability of the Federal crop insurance program.

''(B) COMPONENTS.—The study should include—

''(i) an evaluation of the operation of a premium reduction plan that examines—

''(I) the clarity, efficiency, and effectiveness of the statutory language and related regulations;

''(II) whether the regulations frustrated the goal of offering producers upfront, predictable, and reliable premium discount payments; and

''(III) whether the regulations provided for reasonable, cost-effective oversight by the Corporation of premium discounts offered by approved insurance providers, including—

''(aa) whether the savings were generated from verifiable cost efficiencies adequate to offset the cost of discounts paid; and

''(bb) whether appropriate control was exercised to prevent approved insurance providers from preferentially offering the discount to producers of certain agricultural commodities, in certain regions, or in specific size categories;

''(ii) examination of the impact on producers, the crop insurance industry, and profitability from offering discounted crop insurance to producers;

''(iii) examination of implications for industry concentration from offering discounted crop insurance to producers;

''(iv) an examination of the desirability and feasibility of allowing other forms of price competition in the Federal crop insurance program;

''(v) a review of the history of commissions paid by crop insurance providers; and

''(vi) recommendations on—

''(I) potential changes to this title that would address the deficiencies in past efforts to provide discounted crop insurance to producers,

''(II) whether approved insurance providers should be allowed to draw on both administrative and operating reimbursement and underwriting gains to provide discounted crop insurance to producers; and

''(III) any other action that could increase competition in the crop insurance industry that will benefit producers but not undermine the viability of the Federal crop insurance program.

''(C) REQUEST FOR PROPOSALS.—In developing the request for proposals for the study, the Secretary shall consult with parties in the crop insurance industry (including producers and approved insurance providers and agents, including providers and agents with experience selling discount crop insurance products).

''(D) REVIEW OF STUDY.—The independent entity selected by Secretary under subparagraph (A) shall seek comments from interested stakeholders before finalizing the report of the entity.

''(E) REPORT.—Not later than 18 months after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results and recommendations of the study.''.

SEC. 1909. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting ''on behalf of the Corporation'' after ''approved provider''.

SEC. 1910. MEASUREMENT OF FARM-STORED COMMODITIES.

Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

''(5) MEASUREMENT OF FARM-STORED COMMODITIES.—Beginning with the 2009 crop year, for the purpose of determining the amount of any insured production loss sustained by a producer and the amount of any indemnity to be paid under a plan of insurance—

''(A) a producer may elect, at the expense of the producer, to have the Farm Service Agency measure the quantity of the commodity; and

''(B) the results of the measurement shall be used as the evidence of the quantity of the commodity that was produced.''.

SEC. 1911. SHARE OF RISK.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (3) and inserting the following:

''(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 30 percent.''.

SEC. 1912. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking ''Except as provided in subparagraph (B)'' and inserting ''Except as otherwise provided in this paragraph''; and

(2) by adding at the end the following:

''(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 5 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio .

''(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.''.

SEC. 1913. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

''(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

''(A) IN GENERAL.—Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105-185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

''(i) following the reinsurance year ending June 30, 2010;

''(ii) once during each period of 3 reinsurance years thereafter; and

''(iii) subject to subparagraph (B), in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

''(B) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.''.

SEC. 1914. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 1912) is amended by adding at the end the following:

''(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

''(A) for the 2011 reinsurance year, October 1, 2012; and

''(B) for each reinsurance year thereafter, October 1 of the following calendar year.''.

SEC. 1915. ACCESS TO DATA MINING INFORMATION.

(a) IN GENERAL.—Section 515(j)(2) of the Federal Crop Insurance Act (7 U.S.C. 1515(j)(2)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(B) ACCESS TO DATA MINING INFORMATION.—

''(i) IN GENERAL.—The Secretary shall establish a fee-for-access program under which approved insurance providers pay to the Secretary a user fee in exchange for access to the data mining system established under subparagraph (A) for the purpose of assisting in fraud and abuse detection.

''(ii) PROHIBITION.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Corporation shall not impose a requirement on approved insurance providers to access the data mining system established under subparagraph (A).

''(II) ACCESS WITHOUT FEE.—If the Corporation requires approved insurance providers to access the data mining system established under subparagraph (A), access will be provided without charge to the extent necessary to fulfill the requirements.

''(iii) ACCESS LIMITATION.—In establishing the program under clause (i), the Secretary shall ensure that an approved insurance provider has access only to information relating to the policies or plans of insurance for which the approved insurance provider provides insurance coverage, including any information relating to—

''(I) information of agents and adjusters relating to policies for which the approved insurance provider provides coverage;

''(II) the other policies or plans of an insured that are insured through another approved insurance providers; and

''(III) the policies or plans of an insured for prior crop insurance years.''.

(b) INSURANCE FUND.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (b), by adding at the end the following:

''(3) DATA MINING SYSTEM.—The Corporation shall use amounts deposited in the insurance fund established under subsection (c) from fees collected under section 515(j)(2)(B) to administer and carry out improvements to the data mining system under that section.''; and

(2) in subsection (c)(1)—

(A) by striking ''and civil'' and inserting ''civil''; and

(B) by inserting ''and fees collected under section 515(j)(2)(B)(i),'' after ''section 515(h),''.

SEC. 1916. PRODUCER ELIGIBILITY.

Section 520(2) of the Federal Crop Insurance Act (7 U.S.C. 1520(2)) is amended by inserting ''or is a person who raises livestock owned by other persons (that is not covered by insurance under this title by another person)'' after ''sharecropper''.

SEC. 1917. CONTRACTS FOR ADDITIONAL CROP POLICIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (14); and

(2) by inserting after paragraph (9) the following:

''(10) ENERGY CROP INSURANCE POLICY.—

''(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

''(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or bio-based products; and

''(ii) is not typically used for food, feed, or fiber.

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

''(iii) provide protection for production or revenue losses, or both.

''(11) AQUACULTURE INSURANCE POLICY.—

''(A) DEFINITION OF AQUACULTURE.—In this subsection:

''(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

''(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure aquaculture operations.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of fish and other seafood in aquaculture operations, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of aquaculture operations into existing policies covering adjusted gross revenue; and

''(iii) provide protection for production or revenue losses, or both.

''(12) ORGANIC CROP PRODUCTION COVERAGE IMPROVEMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Corporation shall offer to enter into 1 or more contracts with qualified entities for the development of improvements in Federal crop insurance policies covering organic crops.

''(B) PRICE ELECTION.—

''(i) IN GENERAL.—The contracts under subparagraph (A) shall include the development of procedures (including any associated changes in policy terms or materials required for implementation of the procedures) to offer producers of organic crops a price election that would reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as established using data collected and maintained by the Agricultural Marketing Service.

''(ii) DEADLINE.—The development of the procedures required under clause (i) shall be completed not later than the date necessary to allow the Corporation to offer the price election—

''(I) beginning in the 2009 reinsurance year for organic crops with adequate data available; and

''(II) subsequently for additional organic crops as data collection for those organic crops is sufficient, as determined by the Corporation.

''(13) SKIPROW CROPPING PRACTICES.—

''(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

''(B) RESEARCH.—Research described in subparagraph (A) shall—

''(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

''(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

''(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

''(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.''.

SEC. 1918. RESEARCH AND DEVELOPMENT.

(a) REIMBURSEMENT AUTHORIZED.—Section 522(b) of the Federal Crop Insurance Act (7

U.S.C. 1522(b)) is amended by striking paragraph (1) and inserting the following:

''(1) RESEARCH AND DEVELOPMENT REIMBURSEMENT.—The Corporation shall provide a payment to reimburse an applicant for research and development costs directly related to a policy that—

''(A) is submitted to, and approved by, the Board pursuant to a FCIC reimbursement grant under paragraph (7); or

''(B) is—

''(i) submitted to the Board and approved by the Board under section 508(h) for reinsurance; and

''(ii) if applicable, offered for sale to producers.''.

(b) FCIC REIMBURSEMENT GRANTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by adding at the end the following:

''(7) FCIC REIMBURSEMENT GRANTS.—

''(A) GRANTS AUTHORIZED.—The Corporation shall provide FCIC reimbursement grants to persons (referred to in this paragraph as 'submitters') proposing to prepare for submission to the Board crop insurance policies and provisions under subparagraphs (A) and (B) of section 508(h)(1), that apply and are approved for the FCIC reimbursement grants under this paragraph.

''(B) SUBMISSION OF APPLICATION.—

''(i) IN GENERAL.—The Board shall receive and consider applications for FCIC reimbursement grants at least once each year.

''(ii) REQUIREMENTS.—An application to receive a FCIC reimbursement grant from the Corporation shall consist of such materials as the Board may require, including—

''(I) a concept paper that describes the proposal in sufficient detail for the Board to determine whether the proposal satisfies the requirements of subparagraph (C); and

''(II) a description of —

''(aa) the need for the product, including an assessment of marketability and expected demand among affected producers;

''(bb) support from producers, producer organizations, lenders, or other interested parties; and

''(cc) the impact the product would have on producers and on the crop insurance delivery system; and

''(III) a statement that no products are offered by the private sector that provide the same benefits and risk management services as the proposal;

''(IV) a summary of data sources available that demonstrate that the product can reasonably be developed and properly rated; and

''(V) an identification of the risks the proposed product will cover and an explanation of how the identified risks are insurable under this title.

''(C) APPROVAL CONDITIONS.—

''(i) IN GENERAL.—A majority vote of the Board shall be required to approve an application for a FCIC reimbursement grant.

''(ii) REQUIRED FINDINGS.—The Board shall approve the application if the Board finds that—

''(I) the proposal contained in the application—

''(aa) provides coverage to a crop or region not traditionally served by the Federal crop insurance program;

''(bb) provides crop insurance coverage in a significantly improved form;

''(cc) addresses a recognized flaw or problem in the Federal crop insurance program or an existing product;

''(dd) introduces a significant new concept or innovation to the Federal crop insurance program; or

''(ee) provides coverage or benefits not available from the private sector;

''(II) the submitter demonstrates the necessary qualifications to complete the project successfully in a timely manner with high quality;

''(III) the proposal is in the interests of producers and can reasonably be expected to be actuarially appropriate and function as intended;

''(IV) the Board determines that the Corporation has sufficient available funding to award the FCIC reimbursement grant; and

''(V) the proposed budget and timetable are reasonable.

''(D) PARTICIPATION.—

''(i) IN GENERAL.—In reviewing proposals under this paragraph, the Board may use the services of persons that the Board determines appropriate to carry out expert review in accordance with section 508(h).

''(ii) CONFIDENTIALITY.—All proposals submitted under this paragraph shall be treated as confidential in accordance with section 508(h)(4).

''(E) ENTERING INTO AGREEMENT.—Upon approval of an application, the Board shall offer to enter into an agreement with the submitter for the development of a formal submission that meets the requirements for a complete submission established by the Board under section 508(h).

''(F) FEASIBILITY STUDIES.—

''(i) IN GENERAL.—In appropriate cases, the Corporation may structure the FCIC reimbursement grant to require, as an initial step within the overall process, the submitter to complete a feasibility study, and report the results of the study to the Corporation, prior to proceeding with further development.

''(ii) MONITORING.—The Corporation may require such other reports as the Corporation determines necessary to monitor the development efforts.

''(G) RATES.—Payment for work performed by the submitter under this paragraph shall be based on rates determined by the Corporation for products—

''(i) submitted under section 508(h); or

''(ii) contracted by the Corporation under subsection (c).

''(H) TERMINATION.—

''(i) IN GENERAL.—The Corporation or the submitter may terminate any FCIC reimbursement grant at any time for just cause.

''(ii) REIMBURSEMENT.—If the Corporation or the submitter terminates the FCIC reimbursement grant before final approval of the product covered by the grant, the submitter shall be entitled to—

''(I) reimbursement of all eligible costs incurred to that point; or

''(II) in the case of a fixed rate agreement, payment of an appropriate percentage, as determined by the Corporation.

''(iii) DENIAL.—If the submitter terminates development without just cause, the Corporation may deny reimbursement or recover any reimbursement already made.

''(I) CONSIDERATION OF PRODUCTS.—The Board shall consider any product developed under this paragraph and submitted to the Board under the rules the Board has established for products submitted under section 508(h).''.

(c) CONFORMING AMENDMENT.—Section 523(b)(10) of the Federal Crop Insurance Act (7 U.S.C. 1523(b)(10)) is amended by striking ''(other than research and development costs covered by section 522)''.

SEC. 1919. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking ''$10,000,000'' and all that follows through the end of the paragraph and inserting ''$7,500,000 for fiscal year 2008 and each subsequent fiscal year''; and

(2) by striking paragraph (2) and inserting the following:

''(2) CONTRACTING, DATA MINING, AND COMPREHENSIVE INFORMATION MANAGEMENT SYSTEM.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use not more than $12,500,000 for fiscal year 2008 and each subsequent fiscal year to carry out, in addition to other available funds—

''(A) contracting and partnerships under subsections (c) and (d);

''(B) data mining and data warehousing under section 515(j)(2);

''(C) the comprehensive information management system under section 10706 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8002);

''(D) compliance activities, including costs for additional personnel; and

''(E) development, modernization, and enhancement of the information technology systems used to manage and deliver the crop insurance program.''.

SEC. 1920. INCREASED FUNDING FOR CERTAIN PROGRAMS.

In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program''), an additional $10,000,000 for each of fiscal years 2008 through 2012;

(2) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $50,000,000 for the period of fiscal years 2008 through 2012;

(3) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), an additional $30,000,000 for each of fiscal years 2008 through 2012;

(4) the McGovern-Dole International Food for Education and Child Nutrition Program established under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), an additional $100,000,000 for each of fiscal years 2009 and 2010; and

(5) the improvements to the food and nutrition program made by section 4109 (and the amendments made by that sections) without regard to section 4908(b)(7).

SEC. 1921. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

(a) IN GENERAL.—Section 5(e)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking ''not less than $134'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2008, $141, $241, $199, and $124, respectively;

''(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

''(III) for fiscal year 2013, $134, $229, $189, and $118, respectively; and

''(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics

of the Department of Labor, for items other than food.'';

(2) in subparagraph (B)(ii), by striking ''not less than $269.'' and inserting the following: ''not less than—

''(I) for fiscal year 2008, $283;

''(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

''(III) for fiscal year 2013, $269; and

''(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.''; and

(3) by adding at the end the following:

''(C) REQUIREMENT.—Each adjustment under subclauses (II) and (IV) of subparagraph (A)(ii) and subclauses (II) and (IV) of subparagraph (B)(ii) shall be based on the unrounded amount for the prior 12-month period.''.

(b) EFFECT OF OTHER PROVISION.—The amendments made by section 4102 shall have no force or effect.

SA 3755. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 385, lines 16 and 17, strike ''13,273,000 acres for each fiscal year, but not to exceed 79,638,000 acres'' and insert ''11,945,700 acres for each fiscal year, but not to exceed 71,674,200 acres''.

On page 403, line 21, strike ''$60,000,000'' and insert ''$82,600,000''.

On page 445, line 20, strike ''$97,000,000'' and insert ''$120,000,000''.

On page 445, line 24, strike ''$240,000,000'' and insert ''$500,000,000''.

On page 446, strike lines 4 through 7 and insert the following:

''(A) $1,370,000,000 for each of fiscal years 2008 and 2009; and

''(B) $1,400,000,000 for each of fiscal years 2010 through 2012.

SA 3756. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 499, strike line 15 and all that follows through page 501, line 2, and insert the following:

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

''(o) CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

''(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(B) that has never been used for production of an agricultural commodity.

''(2) INELIGIBILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), native sod acreage on which an agricultural commodity is planted for which a policy or plan of insurance is available under this title shall be ineligible for benefits under this Act.

''(B) DE MINIMUS ACREAGE.—

''(i) EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

''(ii) WAIVER.—The Secretary may provide a waiver from the application of subparagraph (A) for areas of 15 acres or less on a case-by-case basis.''.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

''(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

''(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(ii) that has never been used for production of an agricultural commodity.

''(B) INELIGIBILITY.—Except as provided in subparagraph (C), native sod acreage on which an agricultural commodity is planted for which a policy or plan of Federal crop insurance is available shall be ineligible for benefits under this section.

''(C) DE MINIMUS ACREAGE.—

''(i) EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (B).

''(ii) WAIVER.—The Secretary may provide a waiver from the application of subparagraph (B) for areas of 15 acres or less on a case-by-case basis.''.

SA 3757. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. POULTRY SUSTAINABILITY RESEARCH PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' includes any institution of higher education, farmer or other agricultural producer, municipality, and private nonprofit organization that—

(A) expresses to the Secretary an interest in the long-term environmental and economic sustainability of the agricultural industry; and

(B) is located in—

(i) the State of Arkansas;

(ii) the State of Oklahoma; and

(iii) the State of Texas.

(2) PROGRAM.—The term ''program'' means the poultry sustainability research program established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a poultry sustainability research program.

(2) REQUIRED ACTIVITIES.—In carrying out the program, the Secretary shall—

(A) identify challenges and develop solutions to enhance the economic and environmental sustainability of the poultry industry in the Southwest region of the United States;

(B) research, develop, and implement programs—

(i) to recover energy and other useful products from poultry waste;

(ii) to identify new technologies for the storage, treatment, use, and disposal of animal waste; and

(iii) to assist the poultry industry in ensuring that emissions of animal waste (within the meaning of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))) and discharges (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)) of the industry are maintained at levels at or below applicable regulatory standards;

(C) provide technical assistance, training, applied research, and monitoring to eligible applicants;

(D) develop environmentally effective programs in the poultry industry; and

(E) collaborate with eligible applicants to work with the Federal Government (including Federal agencies) in the development of conservation, environmental credit trading, and watershed programs to help private landowners and agricultural producers meet applicable water quality standards.

(c) CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall offer to enter into contracts with eligible applicants.

(2) APPLICATION.—

(A) SUBMISSION OF APPLICATION.—To enter into a contract with the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) GUIDELINES.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate a regulation describing the application requirements, including milestones and goals to be achieved by each eligible applicant.

(d) REPORTS.—Not later than 2 years after the date of enactment of this Act, and for each fiscal year thereafter, the Secretary shall submit to Congress a report describing—

(1) each project for which funds are provided under this section; and

(2) any advance in technology resulting from the implementation of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

SA 3758. Mr. SMITH (for himself, Mr. BARRASSO, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. FEDERAL AND STATE COOPERATIVE FOREST, RANGELAND, AND WATERSHED RESTORATION AND PROTECTION.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) STATE FORESTER.—The term ''State forester'' means the head of a State agency with jurisdiction over State forest land in an eligible State.

(b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration and protection services described in paragraph (2) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State if similar and complementary restoration and protection services are being provided by the State forester on adjacent State or private land.

(2) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) STATE AS AGENT.—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as the agent for the Secretary in providing the restoration and protection services authorized under paragraph (1).

(4) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) APPLICABLE LAW.—The restoration and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

(c) TERMINATION OF EFFECTIVENESS.—

(1) IN GENERAL.—The authority of the Secretary to enter into cooperative agreements and contracts under this section terminates on September 30, 2012.

(2) CONTRACT DATE.—The termination date of a cooperative agreement or contract entered into under this section shall not extend beyond September 30, 2013.

SA 3759. Ms. SNOWE (for herself, Mr. SCHUMER, Mrs. CLINTON, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Northern Border Economic Development Commission

SEC. 11081. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the Northern Border Economic Development Commission established by section 11082.

(2) FEDERAL GRANT PROGRAM.—The term ''Federal grant program'' means a Federal grant program to provide assistance in carrying out economic and community development activities and conservation activities that are consistent with economic development.

(3) NON-PROFIT ENTITY.—The term ''non-profit entity'' means any entity with tax-exempt or non-profit status, as defined by the Internal Revenue Service.

(4) REGION.—The term ''region'' means the area covered by the Commission (as described in section 11094).

SEC. 11082. NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Border Economic Development Commission.

(2) COMPOSITION.—The Commission shall be composed of—

(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

(B) the Governor of each State in the region that elects to participate in the Commission.

(3) COCHAIRPERSONS.—The Commission shall be headed by—

(A) the Federal member, who shall serve—

(i) as the Federal cochairperson; and

(ii) as a liaison between the Federal Government and the Commission; and

(B) a State cochairperson, who—

(i) shall be a Governor of a participating State in the region; and

(ii) shall be elected by the State members for a term of not less than 1 year.

(b) ALTERNATE MEMBERS.—

(1) STATE ALTERNATES.—

(A) APPOINTMENT.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the Governor's cabinet or personal staff.

(B) VOTING.—An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

(3) QUORUM.—

(A) IN GENERAL.—Subject to the requirements of this paragraph, the Commission shall determine what constitutes a quorum of the Commission.

(B) FEDERAL COCHAIRPERSON.—The Federal cochairperson or the Federal cochairperson's designee must be present for the establishment of a quorum of the Commission.

(C) STATE ALTERNATES.—A State alternate shall not be counted toward the establishment of a quorum of the Commission.

(4) DELEGATION OF POWER.—No power or responsibility of the Commission specified in paragraphs (3) and (4) of subsection (c), and no voting right of any Commission member, shall be delegated to any person—

(A) who is not a Commission member; or

(B) who is not entitled to vote in Commission meetings.

(c) DECISIONS.—

(1) REQUIREMENTS FOR APPROVAL.—Except as provided in subsection (g), decisions by the Commission shall require the affirmative vote of the Federal cochairperson and of a majority of the State members, exclusive of members representing States delinquent under subsection (g)(2)(C).

(2) CONSULTATION.—In matters coming before the Commission, the Federal cochairperson, to the extent practicable, shall consult with the Federal departments and agencies having an interest in the subject matter.

(3) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—The following decisions may not be made without a quorum of State members:

(A) A decision involving Commission policy.

(B) Approval of State, regional, or subregional development plans or strategy statements.

(C) Modification or revision of the Commission's code.

(D) Allocation of amounts among the States.

(4) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 11088.

(d) DUTIES.—The Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

(2) not later than 365 days after the date of enactment of this Act, establish priorities in a development plan for the region (including 5-year regional outcome targets);

(3) assess the needs and capital assets of the region based on available research, demonstration projects, assessments, and evaluations of the region prepared by Federal, State, or local agencies, local development districts, and any other relevant source;

(4)(A) enhance the capacity of, and provide support for, local development districts in the region; or

(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

(5) actively solicit the participation of representatives of local development districts, industry groups, and other appropriate organizations as approved by the Commission, in all public proceedings of the Commission conducted under subsection (e)(1), either in person or through interactive telecommunications; and

(6) encourage private investment in industrial, commercial, and other economic development projects in the region.

(e) ADMINISTRATION.—In carrying out subsection (d), the Commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

(2) authorize, through the Federal or State cochairperson or any other member of the Commission designated by the Commission,

the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

(3) request from any Federal, State, or local department or agency such information as may be available to or procurable by the department or agency that may be of use to the Commission in carrying out duties of the Commission;

(4) adopt, amend, and repeal bylaws and rules governing the conduct of Commission business and the performance of Commission duties;

(5) request the head of any Federal department or agency to detail to the Commission such personnel as the Commission requires to carry out duties of the Commission, each such detail to be without loss of seniority, pay, or other employee status;

(6) request the head of any State department or agency or local government to detail to the Commission such personnel as the Commission requires to carry out duties of the Commission, each such detail to be without loss of seniority, pay, or other employee status;

(7) provide for coverage of Commission employees in a suitable retirement and employee benefit system by—

(A) making arrangements or entering into contracts with any participating State government; or

(B) otherwise providing retirement and other employee benefit coverage;

(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

(9) enter into and perform such contracts or other transactions as are necessary to carry out Commission duties;

(10) establish and maintain a central office located within the Northern Border Economic Development Commission region and field offices at such locations as the Commission may select; and

(11) provide for an appropriate level of representation in Washington, DC.

(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

(1) cooperate with the Commission; and

(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

(g) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Administrative expenses of the Commission (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

(B) by the States in the region participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

(2) STATE SHARE.—

(A) IN GENERAL.—The share of administrative expenses of the Commission to be paid by each State shall be determined by the Commission.

(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

(h) COMPENSATION.—

(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

(3) STATE MEMBERS AND ALTERNATES.—

(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Commission at the rate established by law of the State.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Commission.

(4) DETAILED EMPLOYEES.—

(A) IN GENERAL.—No person detailed to serve the Commission under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Commission from—

(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

(ii) the Commission.

(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Commission under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

(5) ADDITIONAL PERSONNEL.—

(A) COMPENSATION.—

(i) IN GENERAL.—The Commission may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out the duties of the Commission.

(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

(i) the carrying out of the administrative duties of the Commission;

(ii) direction of the Commission staff; and

(iii) such other duties as the Commission may assign.

(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Commission (except the Federal cochairperson of the Commission, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Commission under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

(i) CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Commission shall participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee any of the following persons has a financial interest:

(A) The member, alternate, officer, or employee.

(B) The spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee.

(C) Any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

(A) immediately advises the Commission of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the State member, alternate, officer, or employee.

(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

SEC. 11083. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

(a) IN GENERAL.—The Commission may approve grants to States, local development districts (as defined in section 11085(a)), and public and nonprofit entities for projects, approved in accordance with section 11088—

(1) to develop the infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

(2) to assist the region in obtaining job training, employment-related education, business development, and small business development and entrepreneurship;

(3) to assist the region in community and economic development;

(4) to support the development of severely distressed and underdeveloped areas;

(5) to promote resource conservation, forest management, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

(6) to promote the development of renewable and alternative energy sources; and

(7) to achieve the purposes of this subtitle.

(b) FUNDING.—

(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

(A) entirely from appropriations to carry out this section;

(B) in combination with funds available under another State or Federal grant program; or

(C) from any other source.

(2) ELIGIBLE PROJECTS.—The Commission may provide assistance, make grants, enter into contracts, and otherwise provide funds to eligible entities in the region for projects that promote—

(A) business development;

(B) job training or employment-related education;

(C) small businesses and entrepreneurship, including—

(i) training and education to aspiring entrepreneurs, small businesses, and students;

(ii) access to capital and facilitating the establishment of small business venture capital funds;

(iii) existing entrepreneur and small business development programs and projects; and

(iv) projects promoting small business innovation and research;

(D) local planning and leadership development;

(E) basic public infrastructure, including high-tech infrastructure and productive natural resource conservation;

(F) information and technical assistance for the modernization and diversification of the forest products industry to support value-added forest products enterprises;

(G) forest-related cultural, nature-based, and heritage tourism;

(H) energy conservation and efficiency in the region to enhance its economic competitiveness;

(I) the use of renewable energy sources in the region to produce alternative transportation fuels, electricity and heat; and

(J) any other activity facilitating economic development in the region.

(3) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated or otherwise made available to carry out this section may be used to increase a Federal share in a grant program, as the Commission determines appropriate.

SEC. 11084. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

(a) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (b), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in the region in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 80 percent of the costs of the project.

(b) CERTIFICATION.—

(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

(A) meets the applicable requirements of the applicable Federal grant law; and

(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

(2) CERTIFICATION BY COMMISSION.—

(A) IN GENERAL.—The certifications and determinations required to be made by the Commission for approval of projects under this subtitle in accordance with section 11088—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

SEC. 11085. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ''local development district'' means an entity designated by the State that—

(1) is—

(A)(i) a planning district in existence on the date of enactment of this Act that is recognized by the Economic Development Administration of the Department of Commerce; or

(ii) a development district recognized by the State; or

(B) if an entity described in subparagraph (A)(i) or (A)(ii) does not exist, an entity designated by the Commission that satisfies the criteria developed by the Economic Development Administration for a local development district; and

(2) has not, as certified by the Federal cochairperson—

(A) inappropriately used Federal grant funds from any Federal source; or

(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

(1) IN GENERAL.—The Commission may make grants for administrative expenses under this section.

(2) CONDITIONS FOR GRANTS.—

(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

(B) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

(1) operate as a lead organization serving multicounty areas in the region at the local level; and

(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

(A) are involved in multijurisdictional planning;

(B) provide technical assistance to local jurisdictions and potential grantees; and

(C) provide leadership and civic development assistance.

SEC. 11086. DEVELOPMENT PLANNING PROCESS.

(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Commission, each State member shall submit a development plan for the area of the region represented by the State member.

(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 11082(d)(2).

(c) CONSULTATION.—In carrying out the development planning process, a State shall—

(1) consult with—

(A) local development districts;

(B) local units of government;

(C) institutions of higher learning; and

(D) stakeholders; and

(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

(d) PUBLIC PARTICIPATION.—The Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

SEC. 11087. PROGRAM DEVELOPMENT CRITERIA.

(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance provided by the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

(1) the relationship of the project to overall regional development;

(2) the economic distress of an area, including the per capita income, outmigration, poverty and unemployment rates, and other socioeconomic indicators for the area;

(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

(4) the importance of the project in relation to other projects that may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project;

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated; and

(7) the preservation of multiple uses, including conservation, of natural resources.

(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist an establishment in relocating from 1 area to another.

(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this subtitle only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

SEC. 11088. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Commission.

(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Commission representing the applicant.

(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member and Federal cochairperson that the application for the project—

(1) describes ways in which the project complies with any applicable State development plan;

(2) meets applicable criteria under section 11087;

(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements of this subtitle.

(d) VOTES FOR DECISIONS.—Upon certification of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 11082(c) shall be required for approval of the application.

SEC. 11089. CONSENT OF STATES.

Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

SEC. 11090. RECORDS.

(a) RECORDS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall maintain accurate and complete records of all transactions and activities of the Commission.

(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Commission (including authorized representatives of the Comptroller General and the Commission).

(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Commission, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Commission.

(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Commission (including authorized representatives of the Comptroller General and the Commission).

SEC. 11091. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year, the Commission shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

SEC. 11092. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this subtitle $40,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Commission.

SEC. 11093. TERMINATION OF COMMISSION.

This subtitle shall have no force or effect on or after October 1, 2012.

SEC. 11094. REGION OF NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

(a) GOAL.—It shall be the goal of the Commission to address economic distress along the northern border of the United States east of, and including, Cayuga County, New York, especially in rural areas.

(b) COUNTIES INCLUDED IN NORTHERN BORDER REGION.—Consistent with the goal described in subsection (a), the region of Commission shall include the following counties:

(1) In Maine, the counties of Aroostook, Franklin, Oxford, Somerset, and Washington.

(2) In New Hampshire, the county of Coos.

(3) In New York, the counties of Cayuga, Clinton, Franklin, Jefferson, Oswego, and St. Lawrence.

(4) In Vermont, the counties of Essex, Franklin, Grand Isle, and Orleans.

(c) CONTIGUOUS COUNTIES.—

(1) IN GENERAL.—Subject to paragraph (2), in addition to the counties listed in subsection (b), the region of Commission shall include the following counties:

(A) In Maine, the counties of Androscoggin, Kennebec, Penobscot, Piscataquis, and Waldo.

(B) In New York, the counties of Essex, Hamilton, Herkimer, Lewis, Oneida, and Seneca.

(C) In Vermont, the county of Caledonia.

(2) RECOMMENDATIONS TO CONGRESS.—As part of an annual report submitted under section 11091, the Commission may recommend to Congress removal of a county listed in paragraph (1) from the region on the basis that the county no longer exhibits 2 or more of the following economic distress factors: population loss, poverty, income levels, and unemployment.

(d) EXAMINATION OF ADDITIONAL COUNTIES AND AREAS FOR INCLUSION IN THE REGION.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Commission—

(A) shall examine all counties that border the region of the Commission specified in subsection (a), including the political subdivisions and census tracts within such counties; and

(B) may add a county or any portion of a county examined under subparagraph (A)to the region, if the Commission determines that the county or portion—

(i) is predominantly rural in nature; and

(ii) exhibits significant economic distress in terms of population loss, poverty, income levels, unemployment, or other economic indicator that the Commission considers appropriate.

(2) PRIORITY.—In carrying out paragraph (1)(A), the Commission shall first examine the following counties:

(A) In Maine, the counties of Hancock and Knox.

(B) In New Hampshire, the counties of Grafton, Carroll, and Sullivan.

(C) In New York, the counties of Fulton, Madison, Warren, Saratoga, and Washington.

(D) In Vermont, the county of Lamoille.

(e) ADDITION OF COUNTIES AND OTHER AREAS.—

(1) RECOMMENDATIONS.—Following the one-year period beginning on the date of enactment of this Act, as part of an annual report submitted under section 11091, the Commission may recommend to Congress additional counties or portions of counties for inclusion in the region.

(2) AREAS OF ECONOMIC DISTRESS.—The Commission may recommend that an entire county be included in the region on the basis of one or more distressed areas within the county.

(3) ASSESSMENTS OF ECONOMIC CONDITIONS.—The Commission may provide technical and financial assistance to a county that is not included in the region for the purpose of conducting an economic assessment of the county. The results of such an assessment may be used by the Commission in making recommendations under paragraph (1).

(f) LIMITATION.—A county eligible for assistance from the Appalachian Regional Commission under subtitle IV of title 40, United States Code, shall not be eligible for assistance from the Northern Border Economic Development Commission.

SEC. 11095. REDUCTION IN FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of this Act or an amendment made by this Act, for the period beginning on October 1, 2007, and ending on September 30, 2011—

(1) each amount provided to carry out a program under title I or an amendment made by title I is reduced by an amount necessary to achieve a total reduction of $200,000,000; and

(2) the Secretary shall adjust the amount of each payment, loan, gain, or other assistance provided under each program described in paragraph (1) by such amount as is necessary to achieve the reduction required under that paragraph, as determined by the Secretary.

(b) APPLICATION.—This section does not apply to a payment, loan, gain, or other assistance provided under a contract entered into by the Secretary before the date of enactment of this Act.

SA 3760. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1495, strike line 10 and all that follows through page 1500, line 7, and insert the following:

PART IV—ENERGY PROGRAM FUNDING AND INCENTIVES FOR ALTERNATIVE FUELS

SEC. 12331. INCREASED FUNDING FOR CERTAIN ENERGY PROGRAMS.

In addition to the amounts made available under title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) (as amended by section 9001), of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the biorefinery and repowering assistance program established under section 9005 of that Act , an additional $100,000,000 for fiscal year 2008;

(2) the Rural Energy for America Program established under section 9007 of that Act, an additional $120,000,000 for fiscal year 2008; and

(3) the biomass research and development program established under section 9008 of that Act, an additional $20,000,000 for each of fiscal years 2008 through 2012.

SEC. 12332. EXTENSION AND MODIFICATION OF CREDIT FOR COAL-TO-LIQUID FUELS.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended to read as follows:

''(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

''(A) September 30, 2014, in the case of any sale or use involving liquified hydrogen,

''(B) December 31, 2010, in the case of any sale or use involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

''(C) September 30, 2009, in the case of any other sale or use.''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended to read as follows:

''(3) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

''(A) September 30, 2014, in the case of any sale or use involving liquified hydrogen,

''(B) December 31, 2010, in the case of any sale or use involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

''(C) September 30, 2009, in the case of any other sale or use.''.

(3) PAYMENTS.—Paragraph (5) of section 6427(e) (relating to termination) is amended—

(A) in subparagraph (C)—

(i) by striking ''subparagraph (D)'' and inserting ''subparagraphs (D) and (E)'', and

(ii) by striking ''and'' at the end,

(B) by redesignating subparagraph (D) as subparagraph (E), and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) any alternative fuel or alternative fuel mixture (as so defined) involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process sold or used after December 31, 2010, and''.

(b) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after the date of the enactment of this paragraph and on or before the earlier of—

''(I) the date the Secretary makes a determination under subparagraph (C), or

''(II) December 30, 2010, and

''(ii) 75 percent in the case of fuel produced after the date on which the applicable percentage under clause (i) ceases to apply.

''(C) DETERMINATION TO INCREASE APPLICABLE PERCENTAGE BEFORE DECEMBER 31, 2010.—If the Secretary, after considering the recommendations of the Carbon Sequestration Capability Panel, finds that the applicable percentage under subparagraph (B) should be 75 percent for fuel produced before December 31, 2010, the Secretary shall make a determination under this subparagraph. Any determination made under this subparagraph shall be made not later than 30 days after the Secretary receives from the Carbon Sequestration Panel the report required under section 331(c)(3)(D) of the Heartland, Habitat, Harvest, and Horticulture Act of 2007.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(3) CARBON SEQUESTRATION CAPABILITY PANEL.—

(A) ESTABLISHMENT OF PANEL.—There is established a panel to be known as the ''Carbon Sequestration Capability Panel'' (hereafter in this paragraph referred to as the ''Panel'').

(B) MEMBERSHIP.—The Panel shall be composed of—

(i) 1 representative from the National Academy of Sciences,

(ii) 1 representative from the University of Kentucky Center for Applied Energy Research, and

(iii) 1 individual appointed jointly by the representatives under clauses (i) and (ii).

(C) STUDY.—The Panel shall study the appropriate percentage of carbon dioxide for separation and sequestration under section 6426(d)(4) of the Internal Revenue Code of 1986 consistent with the purposes of such section. The panel shall consider whether it is feasible to separate and sequester 75 percent of the carbon dioxide emissions of a facility, including costs and other factors associated with separating and sequestering such percentage of carbon dioxide emissions.

(D) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Panel shall report to the Secretary of Treasury, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the study under subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 12333. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

SA 3761. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 313, strike line 21 and all that follows through page 320, line 22, and insert the following:

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (h) and inserting the following:

''(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

''(1) PROGRAM.—

''(A) IN GENERAL.—During the 2008 through 2012 calendar years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in paragraph (2).

''(B) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the pilot program established under this subsection.

''(2) ELIGIBLE ACREAGE.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), an owner or operator may enroll in the conservation reserve under this subsection—

''(i)(I) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

''(II) a shallow water area that was devoted to a commercial pond-raised aquaculture operation any year during the period of calendar years 2002 through 2007; or

''(III) an agriculture drainage water treatment that receives flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions; and

''(ii) buffer acreage that—

''(I) is contiguous to a wetland or shallow water area described in clause (i);

''(II) is used to protect the wetland or shallow water area described in clause (i); and

''(III) is of such width as the Secretary determines is necessary to protect the wetland or shallow water area described in clause (i) or to enhance the wildlife benefits, including through restriction of bottomland hardwood habitat, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland or shallow water area.

''(B) EXCLUSIONS.—Except for a shallow water area described in paragraph (2)(A)(i), an owner or operator may not enroll in the conservation reserve under this subsection—

''(i) any wetland, or land on a floodplain, that is, or is adjacent to, a perennial riverine system wetland identified on the final national wetland inventory map of the Secretary of the Interior; or

''(ii) in the case of an area that is not covered by the final national inventory map, any wetland, or land on a floodplain, that is adjacent to a perennial stream identified on a 1–24,000 scale map of the United States Geological Survey.

''(C) PROGRAM LIMITATIONS.—

''(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection not more than—

''(I) 100,000 acres in any 1 State referred to in paragraph (1); and

''(II) not more than a total of 1,000,000 acres.

''(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

''(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

''(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

''(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

''(iv) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—Not later than 3 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall—

''(I) conduct a review of the program under this subsection with respect to each State that has enrolled land in the program; and

''(II) notwithstanding clause (i)(I), increase the number of acres that may be enrolled by a State under clause (i)(I) to not more than 150,000 acres, as determined by the Secretary.

''(D) OWNER OR OPERATOR LIMITATIONS.—

''(i) WETLAND.—

''(I) IN GENERAL.—Except for a shallow water area described in paragraph (2)(A)(i), the maximum size of any wetland described in subparagraph (A)(i) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 contiguous acres.

''(II) COVERAGE.—All acres described in subclause (I) (including acres that are ineligible for payment) shall be covered by the conservation contract.

''(ii) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be determined by the Secretary in consultation with the State Technical Committee.

''(iii) TRACTS.—Except for a shallow water area described in paragraph (2)(A)(i) and buffer acreage, the maximum size of any eligible acreage described in subparagraph (A) in a tract (as determined by the Secretary) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 acres.

''(3) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch shall agree—

''(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

''(B) to establish vegetative cover (which may include emerging vegetation in water

and bottomland hardwoods, cypress, and other appropriate tree species in shallow water areas) on the eligible acreage, as determined by the Secretary;

''(C) to a general prohibition of commercial use of the enrolled land; and

''(D) to carry out other duties described in section 1232.

''(4) DUTIES OF THE SECRETARY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments based on rental rates for cropland and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

''(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

''(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.''.

SA 3762. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

''SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

''(a) DEFINITION OF EMERGENCY MEDICAL SERVICE.—In this section:

''(1) IN GENERAL.—The term 'emergency medical service' means any resource used by a qualified public or private entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

''(A) the condition of the patient; or

''(B) a natural disaster or similar situation.

''(2) INCLUSIONS.—The term 'emergency medical service' includes (compensated or volunteer) services delivered by an emergency medical service provider or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or the equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical service provider.

''(b) GRANTS.—The Secretary shall award grants to eligible entities—

''(1) to enable the entities to provide for improved emergency medical services in rural areas; and

''(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

''(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be—

''(A) a State emergency medical services office;

''(B) a State emergency medical services association;

''(C) a State office of rural health;

''(D) a local government entity;

''(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(F) a State or local ambulance provider; or

''(G) any other entity determined to be appropriate by the Secretary; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

''(A) a description of the activities to be carried out under the grant; and

''(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in rural areas—

''(1) to hire or recruit emergency medical service personnel;

''(2) to recruit or retain volunteer emergency medical service personnel;

''(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

''(4) to fund training to meet Federal or State certification requirements;

''(5) to provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel;

''(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning); and

''(7) to educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

''(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

''(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

''(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

''(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 5 percent of the amount received under the grant.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses.''.

SA 3763. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—DOMESTIC PET TURTLE MARKET ACCESS

SEC. ____. SHORT TITLE.

This title may be cited as the ''Domestic Pet Turtle Equality Act''.

SEC. ____. FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can eradicate salmonella from turtles up until the point of sale, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration and the Department of Agriculture should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. ____. REVIEW, REPORT, AND ACTION ON THE SALE OF BABY TURTLES.

(a) PET TURTLE.—In this section, the term ''pet turtle'' means a turtle that is less than 10.2 centimeters in diameter.

(b) PREVALENCE OF SALMONELLA.—Not later than 60 days after the date of enactment of this title, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall determine the prevalence of salmonella in each species of reptile and amphibian sold legally as a pet in the United States in order to determine whether the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is not more than 10 percent less than the percentage of salmonella in pet turtles.

(c) ACTION IF PREVALENCE IS SIMILAR.—If the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is more than 10 percent less than the percentage of salmonella in pet turtles—

(1) the Secretary of Agriculture shall—

(A) conduct a study to determine how pet turtles can be sold safely as pets in the United States and provide recommendations to Congress not later than 150 days after the date of such determination;

(B) in conducting such study, consult with all relevant stakeholders, such as the Centers for Disease Control and Prevention, the turtle farming industry, academia, and the American Academy of Pediatrics; and

(C) examine the safety measures taken to protect individuals from salmonella-related

dangers involved with reptiles and amphibians sold legally in the United States that contain a similar or greater presence of salmonella than that of pet turtles; and

(2) the Secretary of Agriculture—

(A) may not prohibit the sale of pet turtles in the United States; or

(B) shall prohibit the sale in the United States of any reptile or amphibian that contains a similar or greater prevalence of salmonella than that of pet turtles.

SA 3764. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

''(A) the production of crops, livestock, or unfinished raw forestry products;

''(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

SA 3765. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted

gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

''(A) the production of crops, livestock, or unfinished raw forestry products;

''(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

SA 3766. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(__)PAUNSAUGUNT PLATEAU WILDLIFE AND RANGELAND ENHANCEMENT PILOT PROGRAM.—

(1) Of the amounts made available in Subsection ___—the Secretary shall reserve $5,000,000 to remain available until expended to initiate a pilot program in partnership with local Water Conservation Districts for watershed restoration and the protection and enhancement of native, introduced, and sensitive forage grass and browse, plant species for use by wildlife and livestock in the Paunsaugunt Plateau and adjacent public and private lands in the region.

(2)APPROVAL.—The Secretary may also approve regional conservation activities under this subsection to facilitate vegetative manipulation of climax pinion juniper rangeland, restoration of erosion drainage areas and riparian areas in cooperation with local Water Conservation Districts.

SA 3767. Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 234, between lines 12 and 13, insert the following:

SEC. 1815. FUNDS FOR PROMOTION OF ORANGE JUICE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall, not later than December 31, 2007, and each year thereafter, transfer to the Department of Citrus of the State of Florida an amount equal to 30 percent of the amounts received in the general fund of the Treasury of the United States during the preceding fiscal year that are attributable to the duties collected on articles described in subsection (b).

(b) ARTICLES DESCRIBED.—The articles described in this subsection are articles classifiable under subheadings 2009.11.00 through 2009.19.00 of the Harmonized Tariff Schedule of the United States, that are entered, or withdrawn from warehouse, for consumption.

(c) USE OF AMOUNTS TRANSFERRED.—The amounts transferred pursuant to this section shall be used by the State of Florida for research and promotion activities related to orange juice.

SA 3768. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1472, line 1, strike all through page 1480, line 3, and insert the following:

PART II—ALCOHOL AND OTHER FUELS

SEC. 12311. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—For purposes of this subsection, the term 'cellulosic biofuel' means any liquid transportation fuel derived from any lignocellulosic or hemicellulosic matter (other than food starch) that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel''.

(2) The heading of section 168(l) is amended by striking ''CELLULOSIC BIOMASS ETHANOL'' and inserting ''CELLULOSIC BIOFUEL''.

(3) The heading of paragraph (2) of section 168(l) is amended by striking ''CELLULOSIC BIOMASS ETHANOL'' and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 30D. CELLULOSIC BIOFUEL PRODUCTION.

''(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $1.28 for each gallon of qualified cellulosic biofuel production.

''(b) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced in the United States by the taxpayer and which during the taxable year—

''(1) is sold by the taxpayer to another person—

''(A) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(B) for use by such other person as a fuel in a trade or business, or

''(C) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

''(2) is used or sold by the taxpayer for any purpose described in paragraph (1).

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid transportation fuel derived from any lignocellulosic or hemicellulosic mater (other than food starch) that is available on a renewable or recurring basis.

''(2) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—The term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

''(A) is sold by the person producing such mixture to any person for use as a fuel, or

''(B) is used as a fuel by the person producing such mixture.

''(3) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(4) UNITED STATES PRODUCTION ONLY.—No credit shall be determined under subsection

(a) with respect to any biofuel unless such biofuel is produced in the United States.

''(5) CELLULOSIC BIOFUEL NOT USED AS A FUEL.—If any credit is allowed under subsection (a) and any person does not use such cellulosic biofuel for a purpose described in subsection (b), then there is hereby imposed on such person a tax equal to $1.28 for each gallon of such cellulosic biofuel.

''(6) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(7) ALLOCATION OF CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under section 40(g)(6) shall apply for purposes of this section.

''(8) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section to any taxpayer with respect to any cellulosic biofuel if a credit or payment is allowed with respect to such fuel to such taxpayer under section 40, 40A, 6426, or 6427(e).

''(d) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C.

''(e) CARRYFORWARD AND CARRYBACK OF UNUSED CREDIT.—

''(1) IN GENERAL.—If the credit allowable under subsection (a) exceeds the limitation imposed by subsection (d) for such taxable year (hereinafter in this section referred to as the 'unused credit year') reduced by the sum of the credits allowable under subpart A, such excess shall be—

''(A) carried back to the taxable year preceding the unused credit year, and

''(B) carried forward to each of the 20 taxable years following the unused credit year.

''(2) TRANSITION RULE.—The credit under subsection (a) may not be carried to a taxable year beginning before January 1, 2008.

''(f) APPLICATION OF SECTION.—This section shall apply with respect to qualified cellulosic biofuel production—

''(1) after December 31, 2007, and

''(2) before the later of—

''(A) the date on which the Secretary of Energy certifies that 1,000,000,000 gallons of cellulosic biofuels have been produced in the United States after December 31, 2007, and

''(B) April 1, 2015.''.

(b) DEDUCTION ALLOWED FOR UNUSED CREDIT.—Section 196(c) is amended by adding at the end the following new subsection:

''(d) DEDUCTION ALLOWED FOR CELLULOSIC BIOFUEL PRODUCTION CREDIT.—

''(1) IN GENERAL.—If any portion of the credit allowed under section 30D for any taxable year has not, after the application of section 30D(d), been allowed to the taxpayer as a credit under such section for any taxable year, an amount equal to such credit not so allowed shall be allowed to the taxpayer as a deduction for the first taxable year following the last taxable year for which such credit could, under section 30D(e), have been allowed as a credit.

''(2) TAXPAYER'S DYING OR CEASING TO EXIST.—If a taxpayer dies or ceases to exist before the first taxable year following the last taxable year for which the credit could, under section 30D(e), have been allowed as a credit, the amount described in paragraph (1) (or the proper portion thereof) shall, under regulations prescribed by the Secretary, be allowed to the taxpayer as a deduction for the taxable year in which such death or cessation occurs.''.

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 87 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the cellulosic biofuel production credit determined with respect to the taxpayer under section 30D(a).''.

(B) The heading of section 87 of such Code is amended by striking ''**AND BIODIESEL FUELS CREDITS**'' and inserting ''**, BIODIESEL FUELS,** and **CELLULOSIC BIOFUELS CREDITS**''.

(C) The item relating to section 87 is the table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking ''and biodiesel fuels credits'' and inserting '', biodiesel fuels, and cellulosic biofuels credits''.

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 30D. Cellulosic biofuel production.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SA 3769. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).'';

(2) in subsection (c), by striking ''2007 calendar'' and inserting ''2012 fiscal''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''or'' at the end; and

(B) by striking paragraph (3) and inserting the following:

''(3) a riparian area; or

''(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.''.

SA 3770. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).'';

(2) in subsection (c), by striking ''2007 calendar'' and inserting ''2012 fiscal''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''or'' at the end; and

(B) by striking paragraph (3) and inserting the following:

''(3) a riparian area; or

''(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.''.

SA 3771. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. AGRICULTURAL REGULATORY FLEXIBILITY

Chapter 55 of title 7 is amended by adding following:

''§ 2301 Definitions

For purposes of this chapter—

''(1) the term ''agency'' means an agency as defined in section 551(1) of title 5;

''(2) the term ''agricultural entity'' means any person or entity that has income derived from farming, ranching or forestry operations, the production of crops, livestock, or unfinished raw forestry products; the sale, including the sale of easements and development rights, of farm, ranch, or forestry and or water or hunting rights; the sale of equipment to conduct farm ranch, or forestry operations; the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights; the provision of production inputs and services to farmers, ranchers, and foresters; the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities; the sale of land that has been used for agriculture; and payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007;

''(3) the term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, or any other law, including any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment, except that the term ''rule'' does not include a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefore or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, servvices, or allowances;

''(4) the term ''collection of information''—

''(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

''(B) shall not include a collection of information described under section 3518(c)(1) of title 44, United States Code.

''(5) Recordkeeping requirement.—The term ''recordkeeping requirement'' means a requirement imposed by an agency on persons to maintain specified records.

''§ 2302. Agricultural regulatory flexibility agenda

''(a) During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda which shall contain—

''(1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of agricultural entities;

''(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for

the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and;

''(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

''(b) Each agricultural regulatory flexibility agenda shall be transmitted to the Chief Counsel for Advocacy of the Department of Agriculture for comment, if any.

''(c) Each agency shall endeavor to provide notice of each agricultural regulatory flexibility agenda to agricultural entities or their representatives through direct notification or publication of the agenda in publications likely to be obtained by such agricultural entities and shall invite comments upon each subject area on the agenda.

''(d) Nothing in this section precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda, or requires an agency to consider or act on any .matter listed in such agenda.

''§ 2303. Initial agricultural regulatory flexibility analysis

''(a) Whenever an agency is required by section 553 of title 5, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility analysis. Such analysis shall describe the impact of the proposed rule on agricultural entities. The initial agricultural regulatory flexibility analysis or a summary shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule. The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy of the Department of Agriculture. In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations, but only to the extent that such interpretative rules impose on agricultural entities a collection of information requirement.

''(b) Each initial agricultural regulatory flexibility analysis required under this section shall contain—

''(1) a description of the reasons why action by the agency is being considered;

''(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

''(3) a description of and, where feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

''(4) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

''(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

''(c) Each initial agricultural regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on agricultural entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as—

''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

''(2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such agricultural entities;

''(3) the use of performance rather than design standards; and

''(4) an exemption from coverage of the rule, or any part thereof, for such agricultural entities.

''§ 2304. Final agricultural regulatory flexibility analysis

''(a) When an agency promulgates a final rule under section 553 of title 5, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 103(a), the agency shall prepare a final agricultural regulatory flexibility analysis. Each final agricultural regulatory flexibility analysis shall contain—

''(1) a succinct statement of the need for, and objectives of, the rule;

''(2) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

''(3) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of agricultural entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on agricultural entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on agricultural entities was rejected.

''(b) The agency shall make copies of the final agricultural regulatory flexibility analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

''§ 2305. Avoidance of duplicative or unnecessary analysis

''(a) Any Federal agency may perform the analyses required by sections 102, 103, and 104 of this chapter in conjunction with or as a part of any other agenda or analysis required by any other law if such other analysis satisfies the provisions of such sections.

''(b) Sections 103 and 104 of this chapter shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual basis for such certification. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Department of Agriculture.

''(c) In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of sections 102, 103, 104 and 110 of this chapter.

''§ 2306. Effect on other law

The requirements of sections 103 and 104 of this chapter do not alter in any manner standards otherwise applicable by law to agency action.

''§ 2307. Preparation of analyses

''In complying with the provisions of sections 103 and 104 of this chapter, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable.

''§ 2308. Procedure for waiver or delay of completion

''(a) An agency head may waive or delay the completion of some or all of the requirements of section 103 of this chapter by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefore, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of section 103 of this chapter impracticable.

''(b) Except as provided in section 105(b), an agency head may not waive the requirements of section 104 of this chapter. An agency head may delay the completion of the requirements of section 104 of this chapter for a period of not more than one hundred and eighty days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than such date of publication, a written finding, with reasons therefore, that the final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of section 104 of this chapter impracticable. If the agency has not prepared a final agricultural regulatory analysis pursuant to section 104 of this chapter within one hundred and eighty days from the date of publication of the final rule, such rule shall lapse and have no effect. Such rule shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

''§ 2309. Procedures for gathering comments

''(a) When any rule is promulgated which will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that agricultural entities have been given an opportunity to participate in the rulemaking for the rule through the rational use of techniques such as—

''(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

''(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

''(3) the direct notification of interested agricultural entities;

''(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities including soliciting and receiving comments over computer networks; and

''(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

''(b) Prior to publication of an initial agricultural regulatory flexibility analysis which a covered agency is required to conduct by this chapter—

''(1) a covered agency shall notify the Chief Counsel for Advocacy of the Department of Agriculture and provide the Chief Counsel with information on the potential impacts of the proposed rule on agricultural entities that might be affected;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

''(3) the agency shall convene a review panel for such rule consisting wholly of full time Federal employees of the office within the agency responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel;

''(4) the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual agricultural entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 103(b), paragraphs (3), (4) and (5) and 103(c);

''(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the agricultural entity representatives and its findings as to issues related to subsections 103(b), paragraphs (3), (4) and (5) and 103(c), provided that such report shall be made public as part of the rulemaking record; and

''(6) where appropriate, the agency shall modify the proposed rule, the initial agricultural flexibility analysis or the decision on whether an initial flexibility analysis is required.

''(c) An agency may in its discretion apply subsection (b) to rules that the agency intends to certify under subsection 105(b), but the agency believes may have a greater than de minimis impact on a substantial number of agricultural entities.

''(d) For purposes of this section, the term ''covered agency'' means the Environmental Protection Agency and the Department of the Interior and its agencies.

''(e) The Chief Counsel for Advocacy, in consultation with the individuals identified in subsection (b)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of subsections (b)(3), (b)(4), and (b)(5) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process. For purposes of this subsection, the factors to be considered in making such a finding are as follows:

''(1) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected agricultural entities with respect to the potential impacts of the rule and took such concerns into consideration.

''(2) Special circumstances requiring prompt issuance of the rule.

''(3) Whether the requirements of subsection (b) would provide the individuals identified in subsection (b)(2) with a competitive advantage relative to other agricultural entities.

''§ 2310. Periodic review of rules

''(a) Within one hundred and eighty days after the effective date of this chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of agricultural entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such agricultural entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, he shall so certify in a statement published in the Federal Register and may extend the completion date by one year at a time for a total of not more than five years.

''(b) In reviewing rules to minimize any significant economic impact of the rule on a substantial number of agricultural entities in a manner consistent with the stated objectives of applicable statutes, the agency shall consider the following factors—

''(1) the continued need for the rule;

''(2) the nature of complaints or comments received concerning the rule from the public;

''(3) the complexity of the rule;

''(4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

''(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(c) Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of agricultural entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule.

''§ 2311. Judicial review

''(a)(1) For any rule subject to this chapter, an agricultural entity that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of sections 101, 104, 105(b), 108(b), and 110 in accordance with chapter 7 of title 5. Agency compliance with sections 107 and 109(a) shall be judicially reviewable in connection with judicial review of section 104.

''(2) Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 101, 104, 105(b), 108(b) and 110 in accordance with chapter 7. Agency compliance with sections 107 and 109(a) shall be judicially reviewable in connection with judicial review of section 104.

''(3)(A) An agricultural entity may seek such review during the period beginning on the date of final agency action and ending one year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, such lesser period shall apply to an action for judicial review under this section.

''(B) In the case where an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 108(b) of this chapter, an action for judicial review under this section shall be filed not later than—

''(i) one year after the date the analysis is made available to the public, or

''(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1–year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

'(4) In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this chapter and chapter 7 of title 5, including, but not limited to—

''(A) remanding the rule to the agency, and

''(B) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

''(5) Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this section.

''(b) In an action for the judicial review of a rule, the agricultural flexibility analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (a)(4), shall constitute part of the entire record of agency action in connection with such review.

''(c) Compliance or noncompliance by an agency with the provisions of this chapter shall be subject to judicial review only in accordance with this section.

''(d) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

''§ 2312. Reports and intervention rights

''(a) The Chief Counsel for Advocacy of the Department of Agriculture shall monitor agency compliance with this chapter and shall report at least annually thereon to the President and to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry.

''(b) The Chief Counsel for Advocacy of the Department of Agriculture is authorized to appear as amicus curiae in any action brought in a court of the United States to review a rule. In any such action, the Chief Counsel is authorized to present his or her views with respect to compliance with this chapter, the adequacy of the rulemaking record with respect to agricultural entities and the effect of the rule on agricultural entities.

''(c) A court of the United States shall grant the application of the Chief

Counsel for Advocacy of the Department of Agriculture to appear in any such action for the purposes described in subsection (b).

''§ 2313. Creation of USDA Office of Advocacy within Department of Agriculture; Chief Counsel for Agricultural Advocacy

There is established within the Department of Agriculture a USDA Office of Advocacy. The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''§ 2314. Primary functions of USDA Office of Advocacy

The primary functions of the USDA Office of Advocacy shall be to—

''(1) measure the direct costs and other effects of government regulation on agricultural entities; and make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

''(2) study the ability of financial markets and institutions to meet agricultural entity credit needs and determine the impact of government demands for credit on agricultural entities;

''(3) recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to their full potential, and to ascertain the common reasons, if any, for agricultural entity successes and failures;

''(4) evaluate the efforts of each department and agency of the United States, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans and to provide statistical information on the utilization of such programs by such agricultural entities, and to make appropriate recommendations to the Secretary of Agriculture and to the Congress in order to promote the establishment and growth of those agricultural entities.

''§ 2315. Additional duties of USDA Office of Advocacy

The USDA Office of Advocacy shall also perform the following duties on a continuing basis:

''(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Administration and any other Federal agency which affects agricultural entities;

''(2) counsel agricultural entities on how to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government;

''(3) develop proposals for changes in the policies and activities of any agency of the Federal Government which will better fulfill the purposes of agricultural entities and communicate such proposals to the appropriate Federal agencies;

''(4) represent the views and interests of agricultural entities before other Federal agencies whose policies and activities may affect agricultural entities; and

''(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government which are of benefit to agricultural entities, and information on how agricultural entities can participate in or make use of such programs and services.

SA 3772. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. CARDIN, Mr. ALLARD, Mr. SESSIONS, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 461, strike line 24 and all that follows through page 474, line 25, and insert the following:

''(f) PARTNERSHIPS AND COOPERATION.—

''(1) IN GENERAL.—In carrying out each program under subtitle D (excluding the wetlands reserve program and the conservation reserve program), the Secretary may designate special projects to enhance assistance provided to multiple producers to address conservation issues relating to agricultural and nonindustrial private forest management and production, if recommended by the applicable State Conservationist, in consultation with the State technical committee.

''(2) PURPOSES.—The purposes of special projects carried out under this subsection shall be to achieve local, statewide, or regional conservation objectives by—

''(A) encouraging producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural operations;

''(B) encouraging producers to cooperate in meeting applicable Federal, State, and local regulatory requirements regarding natural resources and the environment;

''(C) encouraging producers to share information and technical and financial resources;

''(D) facilitating cumulative conservation benefits in geographic areas;

''(E) promoting the development and demonstration of innovative conservation methods; and

''(F) seeking opportunities to simultaneously advance—

''(i) the conservation of natural resources; and

''(ii) the community development and economic conditions of agricultural areas.

''(3) ELIGIBLE PARTNERS.—State and local government entities (including irrigation and water districts and canal companies), Indian tribes, farmer cooperatives, institutions of higher education, nongovernmental organizations, and producer associations shall be eligible to apply under this subsection.

''(4) SPECIAL PROJECT APPLICATION.—To apply for designation as a special project under paragraph (1), partners shall submit an application to the Secretary that includes—

''(A) a description of the geographic area, the current conditions, the conservation objectives to be achieved through the special project, and the expected level of participation by agricultural and nonindustrial private forest landowners;

''(B) a description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of the partners;

''(C) a description of the program resources from 1 or more programs under subtitle D that are requested from the Secretary, in relevant units, and the non-Federal resources that will be leveraged by the Federal contribution;

''(D) a description of—

''(i) any proposed program adjustment described in paragraph (5)(D)(ii); and

''(ii) the means by which each proposed program adjustment will accelerate the achievement of environmental benefits;

''(E) a description of the plan for monitoring, evaluating, and reporting on any progress made towards achieving the purposes of the special project; and

''(F) such other information as the Secretary considers necessary.

''(5) DUTIES OF THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall enter into multiyear agreements with partners to facilitate the delivery of conservation program resources in a manner to achieve the purposes described in paragraph (2).

''(B) PROJECT SELECTION.—

''(i) IN GENERAL.—The Secretary shall conduct a competitive process to select projects funded under this subsection.

''(ii) FACTORS CONSIDERED.—In conducting the process described in clause (i), the Secretary shall make public factors to be considered in evaluating applications.

''(iii) PRIORITY.—The Secretary may give priority to applications based on—

''(I) the highest percentage of producers involved, and the inclusion of the highest percentage of working agricultural land in the area;

''(II) the highest percentage of on-the-ground conservation to be implemented;

''(III) non-Federal resources to be leveraged;

''(IV) cost-effectiveness;

''(V) the highest likelihood of achieving project goals and objectives;

''(VI) innovation in conservation methods and delivery, including outcome-based performance measures and methods;

''(VII) innovation in linking conservation and community development objectives; and

''(VIII) other factors, as determined by the Secretary.

''(C) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary and partners shall provide appropriate technical and financial assistance to producers participating in a special project in an amount determined by the Secretary to be necessary to achieve the purposes described in paragraph (2).

''(D) ADMINISTRATION.—

''(i) IN GENERAL.—The Secretary shall ensure that resources made available under this subsection are delivered in accordance with applicable program rules relating to basic program functions, including appeals, payment limitations, and conservation compliance.

''(ii) FLEXIBILITY.—The Secretary may adjust elements of the programs under this title to better reflect unique local circumstances and purposes, if the Secretary determines that such adjustments are necessary to achieve the purposes of this subsection.

''(iii) ADDITIONAL REQUIREMENTS.—The Secretary may establish additional requirements beyond applicable program rules in order to effectively implement this subsection.

''(6) SPECIAL RULES APPLICABLE TO REGIONAL WATER ENHANCEMENT PROJECTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PARTNER.—The term 'eligible partner' means—

''(I) an eligible partner identified in paragraph (3); and

''(II) a water or wastewater agency of a State.

''(ii) ELIGIBLE PROJECT.—

''(I) IN GENERAL.—The term 'eligible project' means a project that is specifically targeted to improve water quality or quantity in an area.

''(II) INCLUSIONS.—The term 'eligible project' includes a project that involves—

''(aa) resource condition assessment and modeling;

''(bb) water quality, water quantity, or water conservation plan development;

''(cc) management system and environmental monitoring and evaluation;

''(dd) cost-share restoration or enhancement;

''(ee) incentive payments for land management practices;

''(ff) easement purchases;

''(gg) conservation contracts with landowners;

''(hh) improved irrigation systems;

''(ii) water banking and other forms of water transactions;

''(jj) groundwater recharge;

''(kk) stormwater capture; and

''(ll) other water-related activities that the Secretary determines will help to achieve the water quality or water quantity benefits identified in the agreement in subparagraph (E) on land described in paragraph (1).

''(B) REGIONAL WATER ENHANCEMENT PROCEDURES.—With respect to proposals for eligible projects by eligible partners, the Secretary shall establish specific procedures (to be known collectively as 'regional water enhancement procedures') in accordance with this paragraph.

''(C) MEANS.—Regional water enhancement activities in a particular region shall be carried out through a combination of—

''(i) multiyear agreements between the Secretary and eligible partners;

''(ii) other regional water enhancement activities carried out by the Secretary; and

''(iii) regional water enhancement activities carried out by eligible partners through other means.

''(D) MULTIYEAR AGREEMENTS WITH ELIGIBLE PARTNERS.—

''(i) SOLICITATION OF PROPOSALS.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall invite prospective eligible partners to submit proposals for regional water enhancement projects.

''(ii) ELEMENTS OF PROPOSALS.—To be eligible for consideration for participation in the program, a proposal submitted by an eligible partner shall include—

''(I) identification of the exact geographic area for which the partnership is proposed, which may be based on—

''(aa) a watershed (or portion of a watershed);

''(bb) an irrigation, water, or drainage district;

''(cc) the service area of an irrigation water delivery entity; or

''(dd) some other geographic area with characteristics that make the area suitable for landscape-wide program implementation;

''(II) identification of the water quality or water quantity issues that are of concern in the area;

''(III) a method for determining a baseline assessment of water quality, water quantity, and other related resource conditions in the region;

''(IV) a detailed description of the proposed water quality or water quantity improvement activities to be undertaken in the area, including an estimated timeline and program resources for every activity; and

''(V) a description of the performance measures to be used to gauge the effectiveness of the water quality or water quantity improvement activities.

''(iii) SELECTION OF PROPOSALS.—The Secretary shall award multiyear agreements competitively, with priority given, as determined by the Secretary, to selecting proposals that—

''(I) have the highest likelihood of improving the water quality or quantity issues of concern for the area;

''(II) involve multiple stakeholders and will ensure the highest level of participation by producers and landowners in the area through performance incentives to encourage adoption of specific practices in specific locations;

''(III) will result in the inclusion of the highest percentage of working agricultural land in the area;

''(IV) will result in the highest percentage of on-the-ground activities as compared to administrative costs;

''(V) will provide the greatest contribution to sustaining or enhancing agricultural or silvicultural production in the area; and

''(VI) include performance measures that will allow post-activity conditions to be satisfactorily measured to gauge overall effectiveness.

''(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

''(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

''(aa) the Chesapeake Bay;

''(bb) the Upper Mississippi River basin;

''(cc) the greater Everglades ecosystem;

''(dd) the Klamath River basin;

''(ee) the Sacramento/San Joaquin River watershed;

''(ff) the Mobile River basin;

''(gg) the Puget Sound; and

''(hh) the Ogallala Aquifer.

''(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

''(E) AGREEMENTS.—Not later than 30 days after the date on which the Secretary awards an agreement under subparagraph (D), the Secretary shall enter into an agreement with the eligible partner that, at a minimum, contains—

''(i) a description of the respective duties and responsibilities of the Secretary and the eligible partner in carrying out the activities in the area; and

''(ii) the criteria that the Secretary will use to evaluate the overall effectiveness of the regional water enhancement activities funded by the multiyear agreement in improving the water quality or quantity conditions of the region relative to the performance measures in the proposal.

''(F) CONTRACTS WITH OTHER PARTIES.—An agreement awarded under subparagraph (D) may provide for the use of third-party providers (including other eligible partners) to undertake specific regional water enhancement activities in a region on a contractual basis with the Secretary or the eligible partner.

''(G) CONSULTATION WITH OTHER AGENCIES.—With respect to areas in which a Federal or State agency is, or will be, undertaking other water quality or quantity-related activities, the Secretary and the eligible partner may consult with the Federal or State agency in order to—

''(i) coordinate activities;

''(ii) avoid duplication; and

''(iii) ensure that water quality or quantity improvements attributable to the other activities are taken into account in the evaluation of the Secretary under subparagraph (E)(ii).

''(H) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary shall ensure that, to the extent that producers and landowners are individually participating in other programs under subtitle D in a region in which a regional water enhancement project is in effect, any improvements to water quality or water quantity attributable to the individual participation are included in the evaluation criteria developed under subparagraph (E)(ii).

''(I) CONSISTENCY WITH STATE LAW.—Any water quality or water quantity improvement activity undertaken under this paragraph shall be consistent with State water laws.

''(7) DURATION.—

''(A) IN GENERAL.—Multiyear agreements under this subsection shall be for a period not to exceed 5 years.

''(B) EARLY TERMINATION.—The Secretary may terminate a multiyear agreement before the end of the agreement if the Secretary determines that performance measures are not being met.

''(8) FUNDING.—

''(A) SET ASIDE.—

''(i) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation security program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent for use for activities under this section.

''(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent for use for activities under this section.

''(B) STATE PROJECTS.—Of the funds and acres allocated to each State in each fiscal year by the Secretary to carry out conservation programs under this subsection, not more than 15 percent may be used by the appropriate State Conservationist to carry out special projects (excluding regional water enhancement projects) that are authorized under this subsection.

''(C) PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through this subsection.

''(D) UNUSED FUNDING.—Any funds made available, and any acres reserved, for a fiscal year under subparagraph (A) that are not obligated or enrolled by April 1 of the fiscal year may be used to carry out other activities under conservation programs under subtitle D during the fiscal year in which the funding becomes available.''.

SA 3773. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Housing Assistance Council Authorization Act of 2007''.

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) AUDIT.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a

study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SEC. 13005. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this title may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other material to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

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

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B)AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking ''any person to knowingly sponsor'' and inserting ''any person—

''(A) to knowingly sponsor'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.'';

(2) in subsection (b)—

(A) by striking ''any person to knowingly sell'' and inserting ''any person—

''(1) to knowingly sell'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.'';

(3) in the last sentence of subsection (f), by striking ''by the United States''; and

(4) in subsection (g)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

''(6) the term 'dog fighting venture'—

''(A) means any event that—

''(i) involves a fight between at least 2 animals;

''(ii) includes at least 1 dog; and

''(iii) is conducted for purposes of sport, wagering, or entertainment; and

''(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

''§ 49. Enforcement of animal fighting prohibitions

''(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

''(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.''.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other material to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

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

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking ''any person to knowingly sponsor'' and inserting ''any person—

''(A) to knowingly sponsor'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.'';

(2) in subsection (b)—

(A) by striking ''any person to knowingly sell'' and inserting ''any person—

''(1) to knowingly sell'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.'';

(3) in the last sentence of subsection (f), by striking ''by the United States''; and

(4) in subsection (g) —

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

''(6) the term 'dog fighting venture'—

''(A) means any event that—

''(i) involves a fight between at least 2 animals;

''(ii) includes at least 1 dog; and

''(iii) is conducted for purposes of sport, wagering, or entertainment; and

''(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

''§ 49. Enforcement of animal fighting prohibitions

''(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

''(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.''.

SA 3777. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3701 submitted by Mr. KYL (for himself and Mr. ALLARD) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

(a) CANCELLATION OR TERMINATION COSTS.—Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

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

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

(b) NATIONAL SHEEP AND GOAT INDUSTRY IMPROVEMENT CENTER.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) (as amended by section 10303(b)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

SA 3778. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3621 submitted by Mr. COLEMAN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike lines 3 through 6 and insert the following:

''(iv)(I) Except as provided in subclause (II), a payment under the environmental quality incentives program established under chapter 4 of subtitle D of title XII.

''(II) The Secretary may grant a waiver for the average adjusted gross income limitation as applied to benefits under subclause (I) and subparagraph (B) to owners of land in agricultural uses if—

''(aa) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(bb) the State conservationist certifies that a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values and certifies that without participation in a conservation program described in subclause (I) or subparagraph (B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

SA 3779. Mr. NELSON of Florida submitted an amendment intended to be

proposed to amendment SA 3559 submitted by Mr. INOUYE (for himself and Mr. AKAKA) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike lines 7 through 9 of the amendment and insert the following:

operation carried out in the State of Hawaii.

''(4) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in paragraph (1)(C) to owners of land in agricultural uses if—

''(A) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(B) the State conservationist certifies that—

''(i) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(ii) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

''(5) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY OPERATIONS.—In determining

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SA 3780. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3665 submitted by Mr. ENSIGN and intented to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike lines 1 through 11 and insert the following:

''(B) CONSERVATION PROGRAMS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(ii) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in clause (i) to owners of land in agricultural uses if—

''(I) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(II) the State conservationist certifies that—

''(aa) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(bb) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

SA 3781. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3645 submitted by Mr. ENSIGN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike line 1 and insert the following:

''(B) CONSERVATION PROGRAMS.—

''(i) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in clause (ii) to owners of land in agricultural uses if—

''(I) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(II) the State conservationist certifies that—

''(aa) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(bb) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

''(ii) LIMITATION.—Not-

SA 3782. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

SA 3783. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2007, at 9:30 a.m., in open session, to receive testimony on the state of the United States Army.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The hearing will address issues related to the retirement of the Space Shuttle, its remaining missions, the National Aeronautics and Space Administration's, NASA, plans to compensate should they not fulfill all mission requirements on schedule, and other issues facing NASA when the Space Shuttle is retired.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room SD 366 of the Dirksen Senate Office Building, in order to conduct a hearing.

The purpose of the hearing is to receive testimony on S. 2203, a bill to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund, and for other purposes.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Legislative Hearing on America's Climate Security Act of 2007, S. 2191.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 2:30 p.m. in order to conduct a hearing on the anti-drug foreign assistance package for Mexico and Central America.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''Restoring Congressional Intent and Protections under the Americans with Disabilities Act'' November 15, 2007, at 2 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an executive business meeting on Thursday, November 15, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda:

I. Bills

S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007;

S. 352, Sunshine in the Courtroom Act of 2007, (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin);

S. 344, A bill to permit the televising of Supreme Court proceedings, (Specter, Grassley, Durbin, Schumer, Feingold, Cornyn);

S. 1638, Federal Judicial Salary Restoration Act of 2007, (Leahy, Hatch, Feinstein, Graham, Kennedy).

II. Resolutions

S. Res. 366, designating November 2007 as ''National Methamphetamine Awareness Month,'' to increase awareness of methamphetamine abuse, (Baucus, Grassley, Biden, Graham, Schumer);

S. Res. 367, commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall, (Lieberman, Specter, Biden, Brownback, Cardin, Feinstein)

III. Nominations

Joseph N. Laplante to be United States District Judge for the District of New Hampshire; Reed Charles O'Connor to be United States District Judge for the Northern District of Texas, Dallas Division; Thomas D. Schroeder to be United States District Judge for the Middle District of North Carolina; Amul R. Thapar to be United States District Judge for the Eastern District of Kentucky.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, November 15, 2007, off the Senate Floor in the Reception Room, immediately after the first rollcall vote occurring after 10 a.m. to consider the nomination of Michael W. Hager to be an Assistant Secretary of Veterans Affairs for Human Resources and Management.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 15, 2007, at 2:30 p.m. in order to conduct a business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr, NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, November 15, 2007, from 1:30 p.m.–4 p.m. in room SD–G50 of the Dirksen Senate Office Building for the purpose of conducting a hearing.

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

SUBCOMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA AND THE SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and the Subcommittee on State, Local, and Private Sector Preparedness and Integration be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m. in order to conduct a hearing entitled, ''Not a Matter 'If,' But of 'When': The Status of U.S. Response Following an RDD Attack.''

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

TO AMEND THE HIGHER EDUCATION ACT OF 1965

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2371, introduced earlier today.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2371) to amend the Higher Education Act of 1965 to make technical corrections.

There being no objection, the Senate proceeded to consider the bill.

Mr. MENENDEZ. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2371) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows: