

SA 2277. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2278. Mrs. GILLIBRAND (for herself, Mr. SANDERS, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2279. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2280. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2281. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2282. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2283. Mr. DODD (for himself, Mr. WHITEHOUSE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2284. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2285. Mr. NELSON, of Nebraska (for himself, Mr. GRASSLEY, and Mr. JOHANNs) submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2286. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2287. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2288. Mr. KOHL proposed an amendment to amendment SA 2248 submitted by Mr. COBURN to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra.

SA 2289. Mr. KOHL (for himself and Mr. BROWNBACk) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, supra.

#### TEXT OF AMENDMENTS

**SA 2241.** Mr. JOHANNs (for himself, Mr. NELSON of Nebraska, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 19, line 9, before the period, insert the following: “: *Provided further*, That of the

amount available under this heading, at least \$17,764,000 shall be used for the tuberculosis program (including at least \$3,000,000 for tuberculosis indemnity and depopulation)”.

**SA 2242.** Mr. JOHANNs (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 8, strike “\$911,394,000” and insert “\$913,394,000, of which \$17,764,000 shall be used for the tuberculosis program (including at least \$3,000,000 for tuberculosis indemnity and depopulation), of which \$2,000,000 shall be derived by reducing the amount available under the heading ‘DEPARTMENTAL ADMINISTRATION’”.

**SA 2243.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 7. Notwithstanding any other provision of this Act, each amount provided under the heading “RURAL BUSINESS—COOPERATIVE SERVICE” in title III is reduced by the pro rata percentage required to reduce the total amount provided under that heading by \$124,800,000.

**SA 2244.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 51, beginning on line 10, strike “: *Provided further*,” and all that follows through “technologies” on line 20.

**SA 2245.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Beginning on page 75, strike line 16 and all that follows through page 76, line 3.

**SA 2246.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2226 proposed by Mr. NELSON of Florida (for himself, Mr. REID, and Mr. MARTINEZ) to the amendment SA 1908 submitted by Mr. KOHL

(for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7. (a) In this section, the term “conference” means a meeting that—

- (1) is held for consultation, education, awareness, or discussion;
- (2) includes participants who are not all employees of the same agency;
- (3) is not held entirely at an agency facility;
- (4) involves costs associated with travel and lodging for some participants; and
- (5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) Not later than September 30, 2011, the Secretary of Agriculture shall submit to the appropriate committees of Congress and post on the public Internet website of the Department of Agriculture (referred to in this section as the “Department”) in a searchable, electronic format, a report on each conference for which the Department paid travel expenses during fiscal year 2010 that includes—

- (1) the itemized expenses paid by the Department, including travel expenses and any Department expenditure to otherwise support the conference;
- (2) the primary sponsor of the conference;
- (3) the location of the conference; and
- (4) in the case of a conference for which the Department was the primary sponsor, a statement that includes—

- (A) a justification of the location selected;
- (B) a description of the cost efficiency of the location;
- (C) the date of the conference;
- (D) a brief explanation of how the conference advanced the mission of the Department; and
- (E) the total number of individuals whose travel or attendance at the conference was paid for in part or full by the Department.

(c) Notwithstanding any other provision of this Act, the aggregate amount made available under this Act for expenses of the Department relating to conferences in fiscal year 2010, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed \$12,000,000.

**SA 2247.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### PROHIBITION ON NO-BID CONTRACTS, GRANTS, AND EARMARKS

SEC. \_\_\_\_ (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

- (1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation;

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient; or

(3) spent on a congressionally directed spending item, as defined by Rule XLIV of the Standing Rules of the Senate, not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee to perform the activity to be provided by the congressionally directed spending item.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

**SA 2248.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

**PROHIBITION ON NO-BID CONTRACTS AND GRANTS**

**SEC. \_\_\_\_.** (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation;

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient; or

(3) spent on a congressionally directed spending item, as defined by Rule XLIV of the Standing Rules of the Senate, not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee to perform the activity to be provided by the congressionally directed spending item.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

**SA 2249.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

**SEC. 7 \_\_\_\_.** (a) The Senate finds that—

(1) agriculture is a national security concern;

(2) the United States suffers from periodic disasters which affects the food and fiber supply of the United States;

(3) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) established 5 permanent disaster programs to deliver timely and immediate assistance to agricultural producers recovering from losses;

(4) as of the date of enactment of this Act, of those 5 disaster programs—

(A) none are available, finalized, and implemented to deliver urgently needed assistance for 2009 producer losses; and

(B) only 1 is being implemented for 2008 losses;

(5) Texas producers are suffering from 1 of the worst droughts since the 1920's and need immediate relief; and

(6) the Secretary of Agriculture has previously authorized various forms of disaster assistance by providing funding under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), and through the Commodity Credit Corporation.

(b) It is the sense of the Senate that the Secretary of Agriculture should use all of the discretionary authority available to the Secretary to make available immediate relief and assistance for agricultural producers suffering losses as a result of the 2009 droughts.

**SA 2250.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 7 \_\_\_\_.** Notwithstanding any other provision of this Act, each amount provided to the Secretary of Agriculture under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) that remains unobligated as of the date of enactment of this Act is reduced by the pro rata percentage required to reduce the total unobligated amount provided to the Secretary by that Act by \$6,475,000,000.

**SA 2251.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** Notwithstanding any other provision of this Act, provisions of this Act requiring that funds be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act shall have no force or effect.

**SA 2252.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs

for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 7 \_\_\_\_.** Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by \$234,128,000.

**SA 2253.** Mr. CHAMBLISS (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

**SEC. 7 \_\_\_\_.** Not later than 60 days after the date of enactment of this Act, the Administrator of the Foreign Agricultural Service shall submit to the appropriate committees of Congress a report that describes the status of the reorganization of the Foreign Agricultural Service and any future plans of the Administrator to modify office structures to meet existing, emerging, and new priorities.

**SA 2254.** Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

**SEC. 7 \_\_\_\_.** None of the funds made available by this Act may be used to pay the salaries and expenses of any employee of the Department of Agriculture to assess any agency any greenbook charge or to use any funds acquired through an assessment of greenbook charges made prior to the date of enactment of this Act.

**SA 2255.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

**SEC. 7 \_\_\_\_.** The Commissioner of Food and Drugs, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall conduct a study and, not later than 240 days after the date of enactment of this Act, submit a report to Congress on the technical challenges associated with inspecting imported seafood. The study and report shall—

(1) provide information on the status of seafood importation, including—

(A) the volume of seafood imported into the United States annually, by product and country of origin;

(B) the number of physical inspections of imported seafood products conducted annually, by product and country of origin; and

(C) a listing of the United States ports of entry for seafood imports by volume;

(2) provide information on imported seafood products, by product and country of origin, that do not meet standards as set forth in the applicable food importation law, including the reason for which each such product does not meet such standards;

(3) identify the fish, crayfish, shellfish, and other sea species most susceptible to violations of the applicable food importation law;

(4) identify the aquaculture and mariculture practices that are of greatest concern to human health; and

(5) suggest methods for improving import inspection policies and procedures to protect consumers in the United States.

**SA 2256.** Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that have been considered eligible for funding by the appropriate rural development field office of the Department of Agriculture at some time during the past fiscal year.

**SA 2257.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 22 and 23, insert the following:

(c)(1) Section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) is amended by inserting before the period at the end the following: “using, in the case of beef cattle, 3 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more”.

(2) Section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)) is amended by inserting before the period at the end the following: “using, in the case of beef cattle, 3 weight classes consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more”.

(3) The amendments made by this subsection take effect on June 18, 2008.

**SA 2258.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 sub-

mitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 22 and 23, insert the following:

(c) In determining the market value of the applicable beef cattle on the day before the death of the beef cattle under section 531(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)(2)) and section 901(c)(2) of the Trade Act of 1974 (19 U.S.C. 2497(c)(2)), the Secretary of Agriculture shall use 3 weight classes for the beef cattle consisting of less than 400 pounds, 400 pounds or more but less than 800 pounds, and 800 pounds or more.

**SA 2259.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, between lines 16 and 17, insert the following:

**SEC. 745. REPORT ON TOURISM FOR RURAL COMMUNITIES.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Administrator of the Small Business Administration and the Director of the Office of Travel and Tourism Industries of the Department of Commerce, shall report to the Committees on Appropriations of the House of Representatives and of the Senate on developing the tourism potential of rural communities.

(b) CONTENT OF THE REPORT.—The report required by subsection (a) shall—

(1) identify existing Federal programs that provide assistance to rural small businesses in developing tourism marketing and promotion plans relating to tourism in rural areas;

(2) identify existing Federal programs that assist rural small business concerns in obtaining capital for starting or expanding businesses primarily serving tourists; and

(3) include recommendations, if any, for improving existing programs or creating new Federal programs that may benefit tourism in rural communities.

**SA 2260.** Mr. FEINGOLD (for himself, Mr. SANDERS, Mr. KOHL, Mr. SCHUMER, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. \_\_\_\_ The Secretary of Agriculture shall, to the maximum extent practicable, collaborate and consult with, and provide technical assistance and data to, other ap-

propriate Federal agencies conducting any oversight, investigation, or other action to improve or ensure fair competition in agriculture and related industries, such as oversight of markets, antitrust examinations, or examinations of disparities between farm and retail prices.

**SA 2261.** Mr. FEINGOLD (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 20, before the period at the end insert the following: “: *Provided further*, That the Administrator of the Farm Service Agency shall provide appropriate technical assistance and other support (including collaborating on farm loan restructuring criteria) for any expansion of the Home Affordable Modification Program of the Department of the Treasury to cover farm loans or similar new voluntary or mandatory programs for farm loan foreclosure mitigation or restructuring by recipients of funds under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or commercial lenders in general”.

**SA 2262.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, between lines 20 and 21, insert the following:

**OFFICE OF ADVOCACY AND OUTREACH**

For necessary expenses to establish and operate the Office of Advocacy and Outreach within executive operations, \$3,000,000: *Provided*, That the same amount of funds is provided to each of the Socially Disadvantaged Farmers Group and the Small Farms and Beginning Farmers and Ranchers Group: *Provided further*, That the Director of the Office of Advocacy and Outreach shall not be required to report to any Assistant Secretary or Undersecretary of the Department of Agriculture.

On page 6, line 3, strike “\$41,319,000” and insert “\$38,319,000”.

**SA 2263.** Mr. SCHUMER (for himself, Mr. SANDERS, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. MURRAY, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

**SEC. 745. MILK IMPORT EQUITY ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Milk Import Tariff Equity Act”.

(b) **IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN CASEIN AND MILK CONCENTRATES.**—

(1) **CASEIN AND CASEIN PRODUCTS.**—

(A) **IN GENERAL.**—The Additional U.S. notes to chapter 35 of the Harmonized Tariff Schedule of the United States are amended—

(i) by striking “Additional U.S. Note” and inserting “Additional U.S. Notes”;

(ii) in note 1, by striking “subheading 3501.10.10” and inserting “subheadings 3501.10.05, 3501.10.15, and 3501.10.20”; and

(iii) by adding at the end the following new note:

“2. The aggregate quantity of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 in any calendar year shall not exceed 55,477,000 kilograms. Articles the product of Mexico

shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”

(B) **RATES FOR CERTAIN CASEINS, CASEINATES, AND OTHER DERIVATIVES AND GLUES.**—Chapter 35 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 3501.10 through 3501.90.60 and inserting the following new subheadings, with the article descriptions for subheadings 3501.10 and 3501.90 having the same degree of indentation as the article description for subheading 3502.20.00:

|            |   |           |  |           |
|------------|---|-----------|--|-----------|
| 3501.10    | Casein:   |           |  |           |
|            | Milk protein concentrate:   |           |  |           |
| 3501.10.05 | Described in general note 15 of the tariff schedule and entered pursuant to its provisions .....  | 0.37¢/kg  | Free (A*, CA, CL, E, IL, J, JO, MX, SG)<br>0.3¢/kg (AU)  | 12¢/kg    |
| 3501.10.15 | Described in additional U.S. note 2 to this chapter and entered according to its provisions .....   | 0.37¢/kg  | Free (A*, CA, CL, E, IL, J, JO, SG)<br>0.3¢/kg (AU)      | 12¢/kg    |
| 3501.10.20 | Other .....   | \$2.16/kg | Free (MX)  | \$2.81/kg |
| 3501.10.55 | Other:<br>Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food | Free      |  | Free      |
| 3501.10.60 | Other:<br>Described in general note 15 of the tariff schedule and entered pursuant to its provisions .....                                | 0.37¢/kg  | Free (A*, CA, CL, E, IL, J, JO, MX, SG)<br>0.3¢/kg (AU)  | 12¢/kg    |
| 3501.10.65 | Described in additional U.S. note 2 to this chapter and entered according to its provisions .....   | 0.37¢/kg  | Free (A*, CA, CL, E, IL, J, JO, SG)<br>0.3¢/kg (AU)      | 12¢/kg    |
| 3501.10.70 | Other .....   | \$2.16/kg | Free (MX)  | \$2.81/kg |
| 3501.90    | Other:  |           |  |           |
| 3501.90.05 | Casein glues .....  | 6%        | Free (A*, CA, CL, E, IL, J, JO, MX)<br>3% (SG) 4.5% (AU) | 30%       |
| 3501.90.30 | Other:<br>Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food | 6%        | Free (A*, CA, CL, E, IL, J, JO, MX, SG)<br>0.3¢/kg (AU)  | 30%       |
| 3501.90.55 | Other: .....<br>Described in general note 15 of the tariff schedule and entered pursuant to its provisions .....                          | 0.37¢/kg  | Free (A*, CA, CL, E, IL, J, JO, MX, SG)<br>0.3¢/kg (AU)  | 12.1¢/kg  |
| 3501.90.65 | Described in additional U.S. note 2 to this chapter and entered according to its provisions .....   | 0.37¢/kg  | Free (A*, CA, CL, E, IL, J, JO, SG)<br>0.3¢/kg (AU)      | 12.1¢/kg  |
| 3501.90.70 | Other .....   | \$2.16/kg | Free (MX)  | \$2.81/kg |

(2) **MILK PROTEIN CONCENTRATES.**—

(A) **IN GENERAL.**—The Additional U.S. notes to chapter 4 of the Harmonized Tariff Schedule of the United States are amended—

(i) in note 13, by striking “subheading 0404.90.10” and inserting “subheadings 0404.90.05, 0404.90.15, and 0404.90.20”; and

(ii) by adding at the end the following new note:

“27. The aggregate quantity of milk protein concentrates entered under subheading 0404.90.15 in any calendar year shall not exceed 18,488,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation

and no such article shall be classifiable therein.”

(B) **RATES FOR CERTAIN MILK PROTEIN CONCENTRATES.**—Chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 0404.90 through 0404.90.10 and inserting the following

new subheadings, with the article description for subheading 0404.90 having the same degree of indentation as the article descrip-

tion for subheading 0404.10 and with the article descriptions for subheadings 0404.90.05, 0404.90.15, and 0404.90.20 having the same de-

gree of indentation as the article description for subheading 0405.20.40:

|            |   |           |   |           |
|------------|---|-----------|---|-----------|
| 0404.90    | Other:  |           |   |           |
|            | Milk protein concentrates:  |           |   |           |
| 0404.90.05 | Described in general note 15 of the tariff schedule and entered pursuant to its provisions .....  | 0.37¢/kg  | Free (A*, CA, CL, E, IL, J, JO, MX, SG)<br>0.3¢/kg (AU) | 12¢/kg    |
| 0404.90.15 | Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions ..... | 0.37¢/kg  | Free (A*, CA, CL, E, IL, J, JO, SG)<br>0.3¢/kg (AU)     | 12¢/kg    |
| 0404.90.20 | Other .....   | \$1.56/kg | Free (MX)   | \$2.02/kg |

(3) EFFECTIVE DATE.—  
(A) IN GENERAL.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the first day of the first month after the date that is 90 days after the date of the enactment of this Act.

(B) TRANSITIONAL PROVISIONS.—  
(i) CHAPTER 35.—Notwithstanding the amendments made by paragraph (1), in the case of any calendar year that includes the effective date described in subparagraph (A), the aggregate amount of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 shall not exceed an amount equal to 151,992 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

(ii) CHAPTER 4.—Notwithstanding the amendments made by paragraph (2), in the case of any calendar year that includes the effective date described in subparagraph (A), the aggregate amount of milk protein concentrates entered under subheading 0404.90.15 shall not exceed an amount equal to 50,652 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

(C) COMPENSATION AUTHORITY.—  
(1) IN GENERAL.—If the provisions of subsection (b) require, the President—

(A) may enter into a trade agreement with any foreign country or instrumentality for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(B) may proclaim such modification or continuance of any general rate of duty, or such continuance of duty-free or excise treatment, or any quantitative limitation, as the President determines to be required or appropriate to carry out any such agreement.

(2) LIMITATIONS.—  
(A) IN GENERAL.—No proclamation shall be made pursuant to paragraph (1) decreasing any general rate of duty to a rate which is less than 70 percent of the existing general rate of duty.

(B) SPECIAL RULE FOR CERTAIN DUTY REDUCTIONS.—If the general rate of duty in effect is an intermediate stage under an agreement in effect before August 6, 2002, under section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988 or under an agreement entered into under section 2103 (a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002, the proclamation made pursuant to paragraph (1) may provide for the reduction of each general rate of duty at each such stage by not more than 30 percent of such general rate of duty, and may provide for a final general rate of duty which is not less than 70 percent of the general rate of duty proclaimed as the final stage under such agreement.

(C) ROUNDING.—If the President determines that such action will simplify the computation of the amount of duty computed with respect to an article, the President may exceed the limitations provided in subparagraphs (A) and (B) by not more than the lesser of—

- (i) the difference between such limitation and the next lower whole number, or
- (ii) one-half of 1 percent ad valorem.

**SA 2264.** Ms. STABENOW (for herself, Mr. CASEY, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, lines 3 through 5, strike “\$233,388,000, to remain available through September 30, 2011: *Provided*,” and insert “\$250,570,000, to remain available through September 30, 2011: *Provided*, That \$180,000,000 of that amount is used to carry out 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): *Provided further*, That it is the sense of the Senate that the Secretary of Agriculture should use a portion of the funds to expand the commodity supplemental food program to 6 approved but unfunded State programs: *Provided further*,”.

**SA 2265.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 7, before the period, insert the following: “: *Provided further*, That each school or institution located in the State of Vermont that is participating in the summer food service program for children, the child and adult care food program, the school lunch program, or the school breakfast program shall be considered eligible to elect commodity letters of credit in lieu of entitlement commodities in accordance with section 18(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(b))”.

**SA 2266.** Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 24, before the semicolon, insert the following: “, of which \$1,000,000 shall be used by the Center to conduct a study of obesity and report the results of the study to Congress”.

**SA 2267.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 22, strike “\$2,995,218,000” and insert “\$2,996,218,000, of which \$1,000,000 shall be used by the Center for Food Safety and Applied Nutrition to conduct a study on obesity and report the results of the study to Congress and shall be derived by transfer of the amount made available under the heading ‘ANIMAL AND PLANT HEALTH INSPECTION SERVICE’ of title I for the National Animal Identification program”.

**SA 2268.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 24, strike “\$4,369,000” and insert “\$6,369,000”.

**SA 2269.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBAC) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 24, strike "\$4,369,000" and insert "\$6,369,000, of which \$2,000,000 shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' for the National Animal Identification program".

**SA 2270.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 7, before the period, insert the following: "Provided further, That of the total amount available, \$2,500,000 shall be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3))".

**SA 2271.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, lines 22 and (23), strike "\$16,799,584,000, to remain available through September 30, 2011," and insert "\$16,802,084,000, to remain available through September 30, 2011, of which \$2,500,000 shall be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)) and shall be derived by transfer of the amount made available under the heading 'ANIMAL AND PLANT HEALTH INSPECTION SERVICE' of title I for the National Animal Identification program".

**SA 2272.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:  
DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)), \$400,000,000.

**SA 2273.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:  
DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771), \$400,000,000.

**SA 2274.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 21, add the following:  
DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the purposes described in section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)), \$350,000,000.

**SA 2275.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 12, strike "\$1,253,777,000" and insert "\$1,653,777,000".

**SA 2276.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 12, strike "\$1,253,777,000" and insert "\$1,603,777,000".

**SA 2277.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, between lines 8 and 9, insert the following:  
DAIRY PRODUCT PRICE SUPPORT PROGRAM

For the Secretary to increase the purchase prices under section 1501(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771(c)) of cheddar cheese in blocks, cheddar cheese in barrels, and nonfat dry milk to not less than \$1.40, \$1.37, and \$0.97 per pound, respectively, \$400,000,000.

**SA 2278.** Mrs. GILLIBRAND (for herself, Mr. SANDERS, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1908 sub-

mitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 \_\_\_\_ (a) There is appropriated, out of any funds in the Treasury not otherwise appropriated, such funds as are necessary for the Secretary of Agriculture to carry out the milk income loss contract program under section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) for the period beginning on March 1, 2009, and ending on June 30, 2009, in accordance with this section.

(b) In carrying out the milk income loss contract program during the period described in subsection (a), the Secretary shall use—

(1) the payment rate described in section 1506(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773(c)), except that the percentage in paragraph (3) of that subsection shall be 90 percent; and

(2) the payment quantity described in section 1506(e) of that Act, except that the pound limitation in paragraph (2)(A) of that subsection shall be the pro rata share of 5,960,000 pounds for each fiscal year.

(c) For purposes of Senate enforcement, this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 2279.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACk) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 \_\_\_\_ (a) Section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

"(4) NUTRITION ASSISTANCE BENEFITS DURING PUBLIC HEALTH EMERGENCY.—

"(A) DEFINITIONS.—

"(i) ELIGIBLE CHILD.—The term 'eligible child' means a child (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)) who, if not for the closure of the school attended by the child due to a public health emergency, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) at the school.

"(ii) PUBLIC HEALTH EMERGENCY.—The term 'public health emergency' means the declaration of a public health emergency by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

"(iii) SCHOOL.—The term 'school' has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

"(B) EMERGENCY STANDARDS.—

"(i) IN GENERAL.—The Secretary may, after consultation with the Secretary of Health

and Human Services, approve State agency plans for temporary emergency standards of eligibility and levels of benefits under this Act for households with eligible children.

“(ii) RELATION TO OTHER LAW.—The Secretary may promulgate standards under clause (i) without regard to section 4(c) of this Act or section 553 of title 5, United States Code.

“(C) EMERGENCY PLANS.—Plans approved by the Secretary under this paragraph may provide for supplemental allotments to households receiving benefits under this Act, and issuances to households not already receiving benefits, through the EBT card system established under section 7.

“(D) BENEFITS LEVELS.—Assistance provided to a household under this section shall be equivalent to the value of free or reduced price meals that would have been provided to the eligible children of the household under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) at the school attended by the eligible children if the school was not closed as a result of a public health emergency.

“(E) MINIMUM CLOSURE.—The Secretary shall not provide assistance under this paragraph in the case of a school that is closed for less than 5 consecutive days.

“(F) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary may authorize State educational agencies and school food authorities administering a school meal program 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.) to release to appropriate officials administering the supplemental nutrition assistance program such information regarding children who are or may be eligible for free or reduced price school meals as may be necessary to carry out this paragraph.

“(G) WAIVERS.—In carrying out this paragraph, the Secretary may approve waivers of the reporting requirements otherwise applicable under subsection (f), limits on certification periods otherwise applicable under section 3(f), and other administrative requirements otherwise applicable to State agencies.

“(H) TERMINATION OF AUTHORITY.—This paragraph shall be effective only for fiscal year 2010.”

(b) EMERGENCY PURCHASE AUTHORITY.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) is amended—

(1) by striking “Sec. 32. There” and inserting the following:

**“SEC. 32. COMMODITY BENEFITS.**

“(a) IN GENERAL.—There”; and

(2) by adding at the end the following:

“(b) COMMODITY ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may use funds made available under this section to purchase commodities for emergency distribution in any area of the United States—

“(A) in the event of a declaration of public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d); and

“(B) on receipt of information from State agencies demonstrating that the situation warrants the distribution of the commodities.

“(2) TERMINATION OF AUTHORITY.—This subsection shall be effective only for fiscal year 2010.”

(c) OFFSET.—The amendments made by subsections (a) and (b) shall be carried out using \$2,000,000 derived from a reduction of the amount made available under the heading “SALARIES AND EXPENSES” under the heading “ANIMAL AND PLANT HEALTH INSPECTION SERVICE” in title I.

**SA 2280.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Whereas sudden loss in late 2008 of export-market based demand equivalent to about three percent of domestic milk production has thrown the U.S. dairy industry into a critical supply-demand imbalance; and

Whereas an abrupt decline in U.S. exports was fueled by the onset of the global economic crisis combined with resurgence of milk supplies in Oceania; and

Whereas the U.S. average all-milk price reported by the National Agriculture Statistics Service from January through May of 2009, has averaged \$4.80 per hundredweight below the cost of production; and

Whereas approximately \$3.9 billion in dairy producer equity has been lost since January; and

Whereas anecdotal evidence suggests that U.S. dairy producers are losing upwards of \$100 per cow per month; and

Whereas the Food, Conservation, and Energy Act of 2008 extended the counter-cyclical Milk Income Loss Contract (MILC) support program and instituted a “feed cost adjuster” to augment that support; and

Whereas the Secretary of Agriculture in March transferred approximately 200 million pounds of nonfat dry milk to USDA’s food and Nutrition Service in a move designed to remove inventory from the market and support low-income families; and

Whereas the Secretary on March 22nd reactivated USDA’s Dairy Export Incentive Program (DEIP) to help U.S. producers meet prevailing world prices and develop international markets; and

Whereas the Secretary announced on July 31, 2009 a temporary increase in the amount paid for dairy products through the Dairy Product Price Support Program (DPPSP), an adjustment that is projected to increase dairy farmers’ revenue by \$243 million; and

Whereas U.S. dairy producers face unprecedented challenges that threaten the stability of the industry, the nation’s milk production infrastructure, and thousands of rural communities: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the Secretary of Agriculture and the President’s Office of Management and Budget should continue to closely monitor the U.S. dairy sector and use all available discretionary authority to ensure its long-term health and sustainability.

**SA 2281.** Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 \_\_\_\_ . Section 404 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624) is amended—

(1) by striking “Agricultural Research Service” each place it appears and inserting

“Agricultural Research Service and the Forest Service”; and

(2) in subsection (c), by adding at the end the following:

“(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.”

**SA 2282.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 \_\_\_\_ . (a) The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall conduct a study on the labeling of personal care products regulated by the Food and Drug Administration for which organic content claims are made. Such study shall include—

(1) a survey of personal care products for which the word “organic” appears on the label; and

(2) a determination, based on statistical sampling of the products identified under paragraph (1), of the accuracy of such claims.

(b) The Commissioner of Food and Drugs shall—

(1) not later than 270 days after the date of enactment of this Act, submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Health, Education, Labor, and Pensions in the Senate and the Committees on Agriculture, Appropriations, and Energy and Commerce in the House of Representatives a report on the findings of the study under subsection (a); and

(2) provide such Committees with any recommendations on the need to establish labeling standards for personal care products for which organic content claims are made, including whether the Food and Drug Administration should have pre-market approval authority for personal care product labeling.

**SA 2283.** Mr. DODD (for himself, Mr. WHITEHOUSE and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 \_\_\_\_ . Notwithstanding any other provision of law, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts in Connecticut, Massachusetts, and Rhode Island that have been previously funded by the Secretary and were under construction as of January 1, 2009.

**SA 2284.** Mr. DODD submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7 \_\_\_\_\_. Notwithstanding any other provision of law and until the receipt of the decennial census in the year 2010, the Secretary of Agriculture may fund community facility and water and waste disposal projects of communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for the projects with the appropriate rural development field office of the Department of Agriculture prior to August 1, 2009, and were determined by the field office to be eligible for funding.

**SA 2285.** Mr. NELSON of Nebraska (for himself, Mr. GRASSLEY, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7 \_\_\_\_\_. (a) The Senate finds that—  
(1) with livestock producers facing losses from harsh weather in 2008 and continuing to face disasters in 2009, Congress wanted to assist livestock producers in recovering losses more quickly and efficiently than previous ad hoc disaster assistance programs;

(2) on June 18, 2008, Congress established the livestock indemnity program under section 531(c) of the Federal Crop Insurance Act (7 U.S.C. 1531(c)) and section 901(c) of the Trade Act of 1974 (19 U.S.C. 2497(c)) as a permanent disaster assistance program to provide livestock producers with payments of 75 percent of the fair market value for livestock losses as a result of adverse weather such as floods, blizzards, and extreme heat;

(3) on July 13, 2009, the Secretary of Agriculture promulgated rules for the livestock indemnity program that separated non adult beef animals into weight ranges of “less than 400 pounds” and “400 pounds and more”; and

(4) the “400 pounds and more” range would fall well short of covering 75 percent market value payment for livestock in these higher ranges that are close to market weight.

(b) It is the sense of the Senate that the Secretary of Agriculture—

(1) should strive to establish a methodology to calculate more specific payments to offset the cost of loss for each animal as was intended by Congress for calendar years 2008 through 2011; and

(2) should work with groups representing affected livestock producers to come up with this more precise methodology.

**SA 2286.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer’s or distributor’s proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer’s distributor for—

(1) the cost incurred by such dealers in acquisition of all parts and inventory in the dealer’s possession as of the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer’s distributor is commenced, on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer’s distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer’s distributor, including, without limitation, franchise agreement or dealer agreements.

(b) INCLUSION IN TERMS.—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer’s distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer’s distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) EFFECTIVENESS OF REJECTION.—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer’s distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

**SA 2287.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “TARP Recipient Ownership Trust Act of 2009”.

**SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.**

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: “, and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act”.

**SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.**

(a) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emer-

gency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(c) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

**SEC. 4. DEFINITIONS.**

As used in this Act—

(1) the term “designated TARP recipient” means any entity that has received financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Federal Government holds or controls not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

**SA 2288.** Mr. KOHL proposed an amendment to amendment SA 2248 submitted by Mr. COBURN to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture or the Commissioner of Food and Drugs to enter into any Federal contract unless the contract is—

(1) entered into in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)); or

(2) otherwise authorized by law to be entered into without regard to the laws cited in paragraph (1).

**SA 2289.** Mr. KOHL (for himself and Mr. BROWNBACK) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 85, line 16, strike “inspections.” and insert the following: inspections: *Provided further*, That this section shall be applied in a manner consistent with United States obligations under international trade agreements.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Monday, August 3, 2009, in the Reception Room immediately off the Senate Floor after today's vote at 5:30 p.m.

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

##### SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. KOHL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, August 3, 2009, at 2 p.m. in room 406 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY AND SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security and Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Monday, August 3, 2009, at 3 p.m., to conduct a hearing entitled “Eliminating Wasteful Contractor Bonuses.”

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

#### PRIVILEGES OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Rachana Chhin of my office be granted the privileges of the floor during the remainder of debate on this bill.

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

Mr. KOHL. I ask unanimous consent that Honor Keeler from Senator BINGAMAN's office be granted the privileges of the floor for the pendency of H.R. 2997 and all amendments thereto.

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

Mr. HARKIN. I ask unanimous consent that Stephanie Woodward and Jeremy Girton be granted the privilege of the floor for the duration of today's session.

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

#### NATIONAL CHILDHOOD CANCER AWARENESS DAY

Mr. DODD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 200 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 200) designating September 12, 2009, as “National Childhood Cancer Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 200) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 200

Whereas childhood cancer is the leading cause of death by disease for children in the United States;

Whereas an estimated 12,500 children in this Nation are diagnosed with cancer each year;

Whereas an estimated 2,300 children in this Nation lose their lives to cancer each year;

Whereas the results of peer-reviewed clinical trials have raised the standard of care and improved the 5-year cancer survival rate in children to greater than 80 percent overall;

Whereas more than 40,000 children and adolescents in the United States currently are being treated for childhood cancers;

Whereas up to ⅓ of childhood cancer survivors are likely to experience at least one

life-altering or life-threatening late effect from treatment; and

Whereas childhood cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 12, 2009, as “National Childhood Cancer Awareness Day”;

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer;

(3) recognizes the profound toll a diagnosis of cancer has on children, families, and communities and pledges to make its prevention and cure a public health priority; and

(4) urges public and private sector efforts to promote awareness, invest in research, and improve treatments for childhood cancer.

#### NATIONAL SAVE FOR RETIREMENT WEEK

Mr. DODD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 234, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 234) supporting the goals and ideals of National Save for Retirement Week 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 234

Whereas people in the United States are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅓ of workers or their spouses save for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas saving for retirement is a key component to overall financial health and security during retirement years;

Whereas many workers may not be aware of retirement savings options, or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have access to defined benefit and defined contribution