

to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3568. Mr. STEVENS (for himself and Ms. MURKOWSKI) 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 3569. Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. LOTT, and Mr. SMITH) 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 3570. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill S. 597, to extend the special postage stamp for breast cancer research for 2 years; which was ordered to lie on the table.

SA 3571. 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 3572. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3573. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3574. Mr. DUREBIN 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 3575. Mr. COLEMAN (for himself, Mrs. DOLE, Mr. MCCONNELL, Mr. LOTT, Mr. ISAKSON, Mr. DEMINT, Mr. MARTINEZ, Mr. VITTER, Mr. ALEXANDER, Mr. BURR, Mr. BOND, Mr. INHOFE, Mr. GREGG, and Mr. CORKER) 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 3576. Mr. NELSON, of Nebraska (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3577. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3578. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3579. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3580. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3581. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3582. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3583. Mr. SUNUNU (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3584. Mr. COBURN 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 3585. Mr. COBURN 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 3586. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HAR-

KIN (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 3587. 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 3588. 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 3589. 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 3590. Mr. BOND 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 3591. 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 3592. 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 3593. Mr. DORGAN (for himself and Mr. BROWNBAC) 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 3594. Mr. DORGAN (for himself and Mr. BROWNBAC) 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 3595. 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 3596. Mr. SESSIONS 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.

TEXT OF AMENDMENTS

SA 3566. 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:

Beginning on page 1176, strike line 24 and all that follows through page 1177, line 2, and insert the following:

“(5) water resource needs, including water requirements for biorefineries;

“(6) education and outreach for agricultural producers transitioning to cellulosic feedstocks; and

“(7) such other infrastructure issues as the Secretary may determine.”

On page 1177, strike lines 18 through 21 and insert the following:

“(5) the resource use and conservation characteristics of alternative approaches to infrastructure development;

“(6) the impact on the development of renewable energy when public and private utilities do not pay competitive rates for wind, solar, and biogas energy from agricultural sources; and

“(7) the environmental benefits of planting perennial grasses for the production of cellulosic ethanol.”

SA 3567. Mrs. BOXER (for herself 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 980, strike lines 12 and 13 and insert the following:

including fresh-cut produce;

“(7) methods of improving the supply and effectiveness of pollination for specialty crop production; and

“(8) efforts relating to optimizing the produc-

SA 3568. Mr. STEVENS (for himself and Ms. MURKOWSKI) 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:

SEC. 110. EXEMPTION FROM AQI USER FEES.

(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the owner or operator of any commercial truck described in subsection (b) shall be exempt from the payment of any agricultural quarantine and inspection user fee.

(b) COMMERCIAL TRUCKS.—A commercial truck referred to in subsection (a) is a commercial truck that—

(1) originates in the State of Alaska and reenters the customs territory of the United States directly from Canada; or

(2) originates in the customs territory of the United States (other than the State of Alaska) and transits through the customs territory of Canada directly before entering the State of Alaska.

SA 3569. Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. LOTT, and Mr. SMITH) 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 778, between lines 2 and 3, insert the following:

(c) COMMERCIAL FISHING.—Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—

(1) in subsection (a), by inserting “and, in the case of subtitle B, commercial fishing” before the period at the end of each of paragraphs (1) and (2); and

(2) by adding at the end the following:

“(c) DEFINITION OF FARM.—In subtitle B, the term ‘farm’ includes a commercial fishing enterprise.”

SA 3570. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by

her to the bill S. 597, to extend the special postage stamp for breast cancer research for 2 years; which was ordered to lie on the table; as follows:

In section 1, in the section heading, strike “2-YEAR” AND INSERT “4-YEAR”.

In section 1, strike “2009” and insert “2011”.

Amend the title so as to read: “To extend the special postage stamp for breast cancer research for 4 years.”

SA 3571. 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 1362, between lines 19 and 20, insert the following:

SEC. 110. USDA PROGRAM GOALS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) each program of the Department of Agriculture that has received a Program Assessment Rating Tool (referred to in this section as “PART”) score of “results not demonstrated”; and

(2) for each such program, the steps being taken by the Secretary to develop acceptable and quantifiable performance goals to determine whether the program is performing as Congress intended.

(b) ANNUAL BUDGET.—

(1) IN GENERAL.—The Secretary shall include in the annual submission to Congress of the budget for the Department of Agriculture a report that identifies each program within the Department of Agriculture that has, as of the date of the report, a PART score of “results not demonstrated” or “ineffective”.

(2) FUNDING.—If a program of the Department of Agriculture receives a PART score described in paragraph (1) for 2 or more consecutive years, the amount made available to the Secretary to carry out the program for each subsequent fiscal year shall be decreased by 10 percent until such time as the program receives a PART score of at least “adequate”.

(c) REDUCTION OF DEBT.—For each fiscal year for which a program of the Department of Agriculture receives decreased funding under subsection (b)(2), an amount equal to the amount of funding withheld from the Department of Agriculture for that program shall be deposited in the account established under section 3113(d) of title 31, United States Code, for use in reducing the Federal debt.

SA 3572. 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:

AMENDMENT No. 3572

On page 966, between lines 13 and 14, insert the following:

SEC. 7050. REGIONAL CENTERS OF EXCELLENCE IN FOOD SYSTEMS VETERINARY MEDICINE.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7049) is amended by adding at the end the following:

“SEC. 1473S. REGIONAL CENTERS OF EXCELLENCE IN FOOD SYSTEMS VETERINARY MEDICINE.

“(a) DEFINITION OF ELIGIBLE SCHOOL OF VETERINARY MEDICINE.—In this section, the term ‘eligible school of veterinary medicine’ means a school of veterinary medicine that is—

“(1) a public or other nonprofit entity; and
“(2) accredited by an entity that is approved for such purpose by the Department of Education.

“(b) GRANT PROGRAM.—The Secretary shall make grants to eligible schools of veterinary medicine to assist the eligible schools of veterinary medicine in supporting centers of emphasis in food systems veterinary medicine.

“(c) APPLICATION PROCESS.—

“(1) APPLICATION REQUIREMENT.—To be eligible to receive a grant from the Secretary under subsection (b), an eligible school of veterinary medicine shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that—

“(A) each application submitted under paragraph (1) is rigorously reviewed; and

“(B) grants are competitively awarded based on—

“(i) the ability of the eligible school of veterinary medicine to provide a comprehensive educational experience for students with particular emphasis on the species of food animal for which the eligible school of veterinary medicine is applying that is used for food production (including food animal veterinary medicine, food supply bioterrorism prevention and surveillance, food-safety, and the improvement of the quality of the environment);

“(ii) the ability of the eligible school of veterinary medicine to increase capacity with respect to research on the species of food animal for which the eligible school of veterinary medicine is applying that is used for food production; and

“(iii) any other consideration that the Secretary determines to be appropriate.

“(3) PREFERENCE FOR CONSORTIUM.—In making grants under subsection (b), the Secretary shall give preference to eligible schools of veterinary medicine that participate in interinstitutional agreements that—

“(A) cover issues relating to residency, tuition, or fees; and

“(B) consist of more than 1 other—

“(i) school of veterinary medicine;

“(ii) school of public health;

“(iii) school of agriculture; or

“(iv) appropriate entity that carries out education and research activities with respect to food production systems, as determined by the Secretary.

“(d) REQUIRED USE OF FUNDS.—The Secretary may not make a grant to an eligible school of veterinary medicine under subsection (b) unless the eligible school of veterinary medicine agrees to use the grant funds—

“(1) to develop a competitive student applicant pool through linkages with other appropriate schools of veterinary medicine, as determined by the Secretary;

“(2) to improve the capacity of the eligible school of veterinary medicine—

“(A) to train, recruit, and retain faculty;

“(B) to pay such stipends and fellowships as the Secretary determines to be appropriate in areas of research relating to—

“(i) food animal medicine; and

“(ii) food-safety and defense; and

“(C) to enhance the quality of the environment;

“(3) to carry out activities to improve the information resources, curriculum, and clin-

ical education of students of the eligible school of veterinary medicine with respect to—

“(A) food animal veterinary medicine; and
“(B) food-safety;

“(4) to facilitate faculty and student research on health issues that—

“(A) affect—

“(i) food-producing animals; and

“(ii) food-safety; and

“(B) enhance the environment;

“(5) to provide stipends for students to offset costs relating to travel, tuition, and other expenses associated with attending the eligible school of veterinary medicine; and

“(6) for any other purpose that the Secretary determines to be appropriate.

“(e) PERIOD OF GRANTS.—

“(1) IN GENERAL.—Subject to paragraph (2), an eligible school of veterinary medicine that receives funds through a grant under subsection (b) shall receive funds under the grant for not more than 5 years after the date on which the grant was first provided.

“(2) CONDITIONS RELATING TO GRANT FUNDS.—Funds provided to an eligible school of veterinary medicine through a grant under subsection (b) shall be subject to—

“(A) the annual approval of the Secretary; and

“(B) the availability of appropriations.

“(f) 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 3573. 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:

Section 20 of the Cooperative Forestry Assistance Act of 1978 (as added by section 8004) is amended by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT.—The Secretary shall establish a comprehensive statewide forest planning program under which the Secretary shall provide financial and technical assistance to States for use in the development and implementation of—

“(1) statewide forest resource assessments and plans; and

“(2) community wildfire protection plans.

SA 3574. Mr. DURBIN 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 in title XI, insert the following:

SEC. . . . FOOD SAFETY IMPROVEMENT.

(a) REPORTABLE FOOD REGISTRIES.—

(1) FEDERAL MEAT INSPECTION.—The Federal Meat Inspection Act is amended—

(A) by redesignating section 411 (21 U.S.C. 680) as section 412; and

(B) by inserting after section 410 (21 U.S.C. 679a) the following:

“SEC. 411. REPORTABLE FOOD EVENT.

“(a) DEFINITIONS.—In this section:

“(1) REPORTABLE FOOD.—The term ‘reportable food’ means meat or a meat food product under this Act for which there is a reasonable probability that the use of, or exposure to, the meat or meat food product will cause serious adverse health consequences or death to humans or animals.

“(2) REGISTRY.—The term ‘Registry’ means the registry established under subsection (b).

“(3) RESPONSIBLE PARTY.—The term ‘responsible party’, with respect to a reportable food, means an operator of an establishment subject to inspection under this Act at which the reportable food is manufactured, processed, packed, or held.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall establish within the Department of Agriculture a Reportable Meat Registry to which information concerning reportable food may be submitted via an electronic portal, from—

“(A) employees of the Food Safety and Inspection Service;

“(B) Federal, State, and local public health officials; and

“(C) responsible parties.

“(2) REVIEW BY SECRETARY.—The Secretary shall promptly review and assess the information submitted under paragraph (1) for the purposes of—

“(A) identifying reportable food;

“(B) submitting entries to the Registry;

“(C) taking actions under subsection (c); and

“(D) exercising other food safety authority of the Secretary to protect the health and safety of humans and animals.

“(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

“(1) IN GENERAL.—The Secretary shall issue, or cause to be issued, an alert or a notification with respect to a reportable food using information from the Registry as the Secretary considers necessary to protect the health and safety of humans and animals.

“(2) EFFECT.—Paragraph (1) shall not affect the authority of the Secretary to issue an alert or a notification under any other provision of law.

“(d) REPORTING AND NOTIFICATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable, but in no case later than 24 hours after a responsible party determines that meat or meat food product is a reportable food, the responsible party shall—

“(A) submit a report to the Secretary through the Registry that includes information described in subsection (e) (other than the information described in paragraphs (7), (8), and (9) of that subsection); and

“(B) investigate the cause of the event that caused the meat or meat food product to be a reportable food, if the reportable food originated with the responsible party.

“(2) NO REPORT REQUIRED.—A responsible party shall not be required to submit a report under paragraph (1) if—

“(A) the adulteration or misbranding originated with the responsible party;

“(B) the responsible party detected the adulteration or misbranding prior to any transfer to another person of the meat or meat food product; and

“(C) the responsible party—

“(i) corrected the adulteration or misbranding; or

“(ii) destroyed or caused the destruction of the meat or meat food product.

“(3) REPORT NUMBER.—The Secretary shall ensure that, upon submission of a report under paragraph (1), a unique number is issued through the Registry to the person submitting the report, by which the Secretary is able—

“(A) to link reports about the reportable food submitted and amended under this subsection; and

“(B) identify the supply chain for the reportable food.

“(4) RESPONSE TO REPORT SUBMITTED BY A RESPONSIBLE PARTY.—After consultation with the responsible party that submitted a report under paragraph (1), the Secretary

may require the responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, 1 or more of the following, as determined by the Secretary:

“(A) Amend the report submitted by the responsible party under paragraph (1) to include the information described in subsection (e)(8).

“(B) Provide a notification—

“(i) to the immediate previous source of the reportable food;

“(ii) to the immediate subsequent recipient of the reportable food; and

“(iii) that includes—

“(I) the information described in subsection (e) that the Secretary considers necessary;

“(II) the actions described under paragraph (5) that the recipient of the notification shall perform, as required by the Secretary; and

“(III) any other information that the Secretary may require.

“(5) SUBSEQUENT REPORTS AND NOTIFICATIONS.—Except as provided in paragraph (6), the Secretary may require a responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, after the responsible party receives a notification under subparagraph (C) or paragraph (4)(B), 1 or more of the following:

“(A) Submit a report to the Secretary through the Registry established under subsection (b) that includes the information described in subsection (e) and other information that the Secretary considers necessary.

“(B) Investigate the cause of the adulteration or misbranding if the adulteration or misbranding of the reportable food may have originated with the responsible party.

“(C) Provide a notification—

“(i) to the immediate previous source of the reportable food;

“(ii) to the immediate subsequent recipient of the reportable food; and

“(iii) that includes—

“(I) the information described in subsection (e) that the Secretary considers necessary;

“(II) the actions described under this paragraph that the recipient of the notification shall perform, as required by the Secretary; and

“(III) any other information that the Secretary may require.

“(6) AMENDED REPORT.—If a responsible party receives a notification under paragraph (4)(B) or paragraph (5)(C) with respect to a reportable food after the responsible party has submitted a report to the Secretary under paragraph (1) with respect to the reportable food, the responsible party—

“(A) shall not be required to submit an additional report or make a notification under paragraph (5); and

“(B) the responsible party shall amend the report submitted by the responsible party under paragraph (1) to include the information described in paragraph (7), and, with respect to both the notification and the report, paragraph (10) of subsection (e).

“(e) INFORMATION.—The information described in this subsection is the following:

“(1) The date on which the meat or meat food product was determined to be a reportable food.

“(2) A description of the reportable food, including the quantity of the reportable food.

“(3) The extent and nature of the adulteration or misbranding.

“(4) If the adulteration or misbranding of the reportable food may have originated with the responsible party, the results of the investigation required under paragraph (1)(B) or (5)(B) of subsection (d), as applicable, and when known.

“(5) The disposition of the reportable food, if known.

“(6) Product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the reportable food.

“(7) Contact information for the responsible party.

“(8) The contact information for parties directly linked in the supply chain and notified under paragraph (4)(B) or (5)(C) of subsection (d), as applicable.

“(9) The information required by the Secretary to be included in a notification provided by the responsible party involved under paragraph (4)(B) or (5)(C) of subsection (d) or required in a report under subsection (d)(5)(A).

“(10) The unique number described in subsection (d)(3).

“(f) COORDINATION OF FEDERAL, STATE, AND LOCAL EFFORTS.—

“(1) FOOD AND DRUG ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(A) share information and coordinate regulatory efforts with the Commissioner of Food and Drugs; and

“(B) if the Secretary receives a report submitted about a food within the jurisdiction of the Commissioner, promptly provide the report to the Commissioner.

“(2) STATES AND LOCALITIES.—In carrying out this section, the Secretary shall work with the State and local public health officials to share information that is not confidential commercial or financial information protected under section 552(b)(4) of title 5, United States Code, and coordinate regulatory efforts, in order to—

“(A) help to ensure coverage of the safety of the food supply chain, including those establishments regulated by the States and localities that are not regulated under this Act; and

“(B) reduce duplicative regulatory efforts.

“(g) MAINTENANCE AND INSPECTION OF RECORDS.—

“(1) IN GENERAL.—The responsible party shall maintain records related to each report received, notification made, and report submitted to the Secretary under this section for at least 2 years.

“(2) INSPECTION.—A responsible party shall, at the request of the Secretary, permit inspection of records maintained under paragraph (1).

“(h) REQUEST FOR INFORMATION.—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Registry.

“(i) SAFETY REPORT.—A report or notification under subsection (d) may be accompanied by a statement, which shall be part of any report released for public disclosure, that denies that the report or the notification constitutes an admission that the product involved caused or contributed to a death, serious injury, or serious illness.

“(j) ADMISSION.—A report or notification under this section shall not be considered an admission that the reportable food involved is adulterated, misbranded, or caused or contributed to a death, serious injury, or serious illness.

“(k) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (d), the Secretary believes the reportable food may have been deliberately adulterated or misbranded, the Secretary shall—

“(1) immediately notify the Secretary of Homeland Security; and

“(2) make relevant information from the Registry available to the Secretary of Homeland Security.

“(l) VIOLATIONS.—A responsible party that fails to comply with any requirement of this

section shall be subject to an appropriate penalty under section 406.”.

(2) **POULTRY PRODUCTS INSPECTION ACT.**—The Poultry Products Inspection Act is amended by inserting after section 10 (21 U.S.C. 459) the following:

“SEC. 10A. REPORTABLE FOOD EVENT.

“(a) **DEFINITIONS.**—In this section:

“(1) **REPORTABLE FOOD.**—The term ‘reportable food’ means poultry or a poultry product under this Act for which there is a reasonable probability that the use of, or exposure to, the poultry or poultry product will cause serious adverse health consequences or death to humans or animals.

“(2) **REGISTRY.**—The term ‘Registry’ means the registry established under subsection (b).

“(3) **RESPONSIBLE PARTY.**—The term ‘responsible party’, with respect to a reportable food, means an operator of an official establishment.

“(b) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall establish within the Department of Agriculture a Reportable Poultry Registry to which information concerning reportable food may be submitted via an electronic portal, from—

“(A) employees of the Food Safety and Inspection Service;

“(B) Federal, State, and local public health officials; and

“(C) responsible parties.

“(2) **REVIEW BY SECRETARY.**—The Secretary shall promptly review and assess the information submitted under paragraph (1) for the purposes of—

“(A) identifying reportable food;

“(B) submitting entries to the Registry;

“(C) taking actions under subsection (c); and

“(D) exercising other food safety authority of the Secretary to protect the health and safety of humans and animals.

“(c) **ISSUANCE OF AN ALERT BY THE SECRETARY.**—

“(1) **IN GENERAL.**—The Secretary shall issue, or cause to be issued, an alert or a notification with respect to a reportable food using information from the Registry as the Secretary considers necessary to protect the health and safety of humans and animals.

“(2) **EFFECT.**—Paragraph (1) shall not affect the authority of the Secretary to issue an alert or a notification under any other provision of law.

“(d) **REPORTING AND NOTIFICATION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), as soon as practicable, but in no case later than 24 hours after a responsible party determines that poultry or poultry product is a reportable food, the responsible party shall—

“(A) submit a report to the Secretary through the Registry that includes information described in subsection (e) (other than the information described in paragraphs (7), (8), and (9) of that subsection); and

“(B) investigate the cause of the event that caused the poultry or poultry product to be a reportable food, if the reportable food originated with the responsible party.

“(2) **NO REPORT REQUIRED.**—A responsible party shall not be required to submit a report under paragraph (1) if—

“(A) the adulteration or misbranding originated with the responsible party;

“(B) the responsible party detected the adulteration or misbranding prior to any transfer to another person of the poultry or poultry product; and

“(C) the responsible party—

“(i) corrected the adulteration or misbranding; or

“(ii) destroyed or caused the destruction of the poultry or poultry product.

“(3) **REPORT NUMBER.**—The Secretary shall ensure that, upon submission of a report under paragraph (1), a unique number is issued through the Registry to the person submitting the report, by which the Secretary is able—

“(A) to link reports about the reportable food submitted and amended under this subsection; and

“(B) identify the supply chain for the reportable food.

“(4) **RESPONSE TO REPORT SUBMITTED BY A RESPONSIBLE PARTY.**—After consultation with the responsible party that submitted a report under paragraph (1), the Secretary may require the responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, 1 or more of the following, as determined by the Secretary:

“(A) Amend the report submitted by the responsible party under paragraph (1) to include the information described in subsection (e)(8).

“(B) Provide a notification—

“(i) to the immediate previous source of the reportable food;

“(ii) to the immediate subsequent recipient of the reportable food; and

“(iii) that includes—

“(I) the information described in subsection (e) that the Secretary considers necessary;

“(II) the actions described under paragraph (5) that the recipient of the notification shall perform, as required by the Secretary; and

“(III) any other information that the Secretary may require.

“(5) **SUBSEQUENT REPORTS AND NOTIFICATIONS.**—Except as provided in paragraph (6), the Secretary may require a responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, after the responsible party receives a notification under subparagraph (C) or paragraph (4)(B), 1 or more of the following:

“(A) Submit a report to the Secretary through the Registry established under subsection (b) that includes the information described in subsection (e) and other information that the Secretary considers necessary.

“(B) Investigate the cause of the adulteration or misbranding if the adulteration or misbranding of the reportable food may have originated with the responsible party.

“(C) Provide a notification—

“(i) to the immediate previous source of the reportable food;

“(ii) to the immediate subsequent recipient of the reportable food; and

“(iii) that includes—

“(I) the information described in subsection (e) that the Secretary considers necessary;

“(II) the actions described under this paragraph that the recipient of the notification shall perform, as required by the Secretary; and

“(III) any other information that the Secretary may require.

“(6) **AMENDED REPORT.**—If a responsible party receives a notification under paragraph (4)(B) or paragraph (5)(C) with respect to a reportable food after the responsible party has submitted a report to the Secretary under paragraph (1) with respect to the reportable food, the responsible party—

“(A) shall not be required to submit an additional report or make a notification under paragraph (5); and

“(B) the responsible party shall amend the report submitted by the responsible party under paragraph (1) to include the information described in paragraph (7), and, with respect to both the notification and the report, paragraph (10) of subsection (e).

“(e) **INFORMATION.**—The information described in this subsection is the following:

“(1) The date on which the poultry or poultry product was determined to be a reportable food.

“(2) A description of the reportable food, including the quantity of the reportable food.

“(3) The extent and nature of the adulteration or misbranding.

“(4) If the adulteration or misbranding of the reportable food may have originated with the responsible party, the results of the investigation required under paragraph (1)(B) or (5)(B) of subsection (d), as applicable, and when known.

“(5) The disposition of the reportable food, if known.

“(6) Product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the reportable food.

“(7) Contact information for the responsible party.

“(8) The contact information for parties directly linked in the supply chain and notified under paragraph (4)(B) or (5)(C) of subsection (d), as applicable.

“(9) The information required by the Secretary to be included in a notification provided by the responsible party involved under paragraph (4)(B) or (5)(C) of subsection (d) or required in a report under subsection (d)(5)(A).

“(10) The unique number described in subsection (d)(3).

“(f) **COORDINATION OF FEDERAL, STATE, AND LOCAL EFFORTS.**—

“(1) **FOOD AND DRUG ADMINISTRATION.**—In carrying out this section, the Secretary shall—

“(A) share information and coordinate regulatory efforts with the Commissioner of Food and Drugs; and

“(B) if the Secretary receives a report submitted about a food within the jurisdiction of the Commissioner, promptly provide the report to the Commissioner.

“(2) **STATES AND LOCALITIES.**—In carrying out this section, the Secretary shall work with the State and local public health officials to share information that is not confidential commercial or financial information protected under section 552(b)(4) of title 5, United States Code, and coordinate regulatory efforts, in order to—

“(A) help to ensure coverage of the safety of the food supply chain, including those establishments regulated by the States and localities that are not regulated under this Act; and

“(B) reduce duplicative regulatory efforts.

“(g) **MAINTENANCE AND INSPECTION OF RECORDS.**—

“(1) **IN GENERAL.**—The responsible party shall maintain records related to each report received, notification made, and report submitted to the Secretary under this section for at least 2 years.

“(2) **INSPECTION.**—A responsible party shall, at the request of the Secretary, permit inspection of records maintained under paragraph (1).

“(h) **REQUEST FOR INFORMATION.**—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Registry.

“(i) **SAFETY REPORT.**—A report or notification under subsection (d) may be accompanied by a statement, which shall be part of any report released for public disclosure, that denies that the report or the notification constitutes an admission that the product involved caused or contributed to a death, serious injury, or serious illness.

“(j) **ADMISSION.**—A report or notification under this section shall not be considered an

admission that the reportable food involved is adulterated, misbranded, or caused or contributed to a death, serious injury, or serious illness.

“(k) **HOMELAND SECURITY NOTIFICATION.**—If, after receiving a report under subsection (d), the Secretary believes the reportable food may have been deliberately adulterated or misbranded, the Secretary shall—

“(1) immediately notify the Secretary of Homeland Security; and

“(2) make relevant information from the Registry available to the Secretary of Homeland Security.

“(1) **PENALTIES.**—A responsible party that fails to comply with any requirement of this section shall be subject to an appropriate penalty under section 12.”.

(3) **CONFORMING AMENDMENT.**—Section 12(a) of the Poultry Products Inspection Act (21 U.S.C. 461(a)) is amended by inserting “10A,” after “10.”.

(4) **EFFECTIVE DATE.**—The amendments made by the subsection take effect on the date that is 1 year after the date of enactment of this Act.

(5) **GUIDANCE.**—Not later than 270 days after the date of enactment of this Act, the Secretary shall issue a guidance to industry relating to—

(A) the submission of reports to the registries established under section 411 of the Federal Meat Inspection Act (as amended by paragraph (1)) and section 10A of the Poultry Products Inspection Act (as amended by paragraph (2)); and

(B) the provision of notification to other persons in the supply chain of reportable food under those sections.

(6) **EFFECT.**—Nothing in this subsection, or an amendment made by this subsection, alters the jurisdiction between the Secretary and the Secretary of Health and Human Services, under applicable law (including regulations).

(b) **SUPPLEMENTAL PLANS AND REASSESSMENTS.**—The Secretary shall require that each establishment required by the Secretary to have a hazard analysis and critical control point plan in accordance with the final rule of the Secretary (61 Fed. Reg. 38806 (July 25, 1996)) shall submit to the Secretary, in writing—

(1) at a minimum, a recall plan described in Directive 8080.1, Rev. 4 (May 24, 2004) of the Food Safety and Inspection Service (or a successor directive); and

(2) for beef products, an E. coli reassessment described in the supplementary information relating to E. coli O157: H7 Contamination of Beef Products (67 Fed. Reg. 62325 (October 7, 2002); part 417 of title 9, Code of Federal Regulations).

(c) **SANITARY TRANSPORTATION OF FOOD.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(2) **MEMORANDUM OF UNDERSTANDING.**—Not later than 180 days after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services, and the Secretary of Transportation shall enter into a memorandum of understanding to ensure that the Secretaries work together effectively to ensure the safety and security of the food supply of the United States, particularly in relation to distribution channels involving transportation (as described in the withdrawal of notices of proposed rulemaking (70 Fed. Reg. 76228 (December 23, 2005))).

SA 3575. Mr. COLEMAN (for himself, Mrs. DOLE, Mr. MCCONNELL, Mr. LOTT, Mr. ISAKSON, Mr. DEMINT, Mr. MAR-

TINEZ, Mr. VITTER, Mr. ALEXANDER, Mr. BURR, Mr. BOND, Mr. INHOFE, Mr. GREGG, and Mr. CORKER) 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. . . . SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) some States issue State driver's licenses to aliens who are unlawfully present in the United States;

(2) providing official government-issued identification to individuals who are in the United States illegally rewards those who show disrespect and disregard for Federal immigration laws;

(3) the very act of entering the United States illegally shows disrespect for the laws of the United States and should not be rewarded in any way;

(4) issuing driver's licenses to undocumented individuals presents a national security risk and enables election fraud; and

(5) States should not issue driver's licenses or other photo identification to aliens who are unlawfully present in the United States.

SA 3576. Mr. NELSON of Nebraska (for himself 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:

In section 1101, strike subsection (c) and insert the following:

(c) **PERMANENT REDUCTION IN BASE ACRES.**—

(1) **REDUCTION AT OPTION OF OWNER.**—

(A) **IN GENERAL.**—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(B) **EFFECT OF REDUCTION.**—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) **REQUIRED ACTION BY SECRETARY.**—

(A) **IN GENERAL.**—The Secretary shall suspend all direct, counter-cyclical, and average crop revenue payments on base acres for covered commodities for land that is no longer a farming operation or used in conjunction with a farming operation, as determined by the Secretary.

(B) **REDUCTION.**—The Secretary shall permanently reduce base acres for covered commodities in a manner prescribed by the Secretary, for land that—

(i) has been developed for commercial or industrial use; or

(ii) has been subdivided and developed for multiple residential units or other non-farming uses, unless the producer demonstrates that the land remains devoted exclusively to agricultural production.

(3) **REVIEW AND REPORT.**—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(A) track each reconstitution of land that is reported by a producer that is covered by paragraph (2);

(B) include in any end-of-the-year review for purposes of payment limitations or other compliance inspections or other actions taken by the Secretary, a review to ensure compliance with paragraph (2); and

(C) submit to Congress a report that describes the results of the actions taken under subparagraphs (A) and (B).

In section 1302, strike subsection (c) and insert the following:

(c) **PERMANENT REDUCTION IN BASE ACRES.**—

(1) **REDUCTION AT OPTION OF OWNER.**—

(A) **IN GENERAL.**—The owner of a farm may reduce, at any time, the base acres for peanuts for the farm.

(B) **EFFECT OF REDUCTION.**—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) **REQUIRED ACTION BY SECRETARY.**—

(A) **IN GENERAL.**—The Secretary shall suspend all direct, counter-cyclical, and average crop revenue payments on base acres for peanuts for land that is no longer a farming operation or used in conjunction with a farming operation, as determined by the Secretary.

(B) **REDUCTION.**—The Secretary shall permanently reduce base acres for peanuts in a manner prescribed by the Secretary, for land that—

(i) has been developed for commercial or industrial use; or

(ii) has been subdivided and developed for multiple residential units or other non-farming uses, unless the producer demonstrates that the land remains devoted exclusively to agricultural production.

(3) **REVIEW AND REPORT.**—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(A) track each reconstitution of land that is reported by a producer that is covered by paragraph (2);

(B) include in any end-of-the-year review for purposes of payment limitations or other compliance inspections or other actions taken by the Secretary, a review to ensure compliance with paragraph (2); and

(C) submit to Congress a report that describes the results of the actions taken under subparagraphs (A) and (B).

SA 3577. Mr. SMITH (for himself and 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:

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

SEC. 11 . . . EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (a)(1)—

(A) by striking “Deschutes River Basin Working Group” and inserting “Deschutes River Conservancy Working Group”; and

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

“(B) 4 representatives of private interests, including—

“(i) 2 representatives from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers; and

“(ii) 2 representatives from the environmental community;”;

(2) in subsection (b)(3), by inserting before the period at the end the following: “, and up to a total amount of \$2,000,000 during each of fiscal years 2007 through 2016”; and

(3) in subsection (h), by inserting before the period at the end the following: “, and \$2,000,000 for each of fiscal years 2007 through 2016”.

SEC. 11 . . . WALLOWA LAKE DAM REHABILITATION.

(a) DEFINITIONS.—In this section:

(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term “Associated Ditch Companies, Incorporated” means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term “Wallowa Lake Dam Rehabilitation Program” means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, “Phase I Dam Assessment and Preliminary Engineering Design”, dated December 2002, and on file with the Bureau of Reclamation.

(b) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(1) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(2) CONDITIONS.—As a condition of providing funds under paragraph (1), the Secretary shall ensure that—

(A) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(B) Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this section; and

(C) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this section, during and after the period in which activities are conducted using Federal funds provided under this section.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the costs of activities authorized under this section shall not exceed 50 percent.

(B) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of those costs—

(i) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; or

(ii) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(4) COMPLIANCE WITH STATE LAW.—In carrying out this section, the Secretary shall comply with applicable water laws of the State of Oregon.

(5) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this section.

(6) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation or maintenance of any facility constructed or rehabilitated under this section.

(c) RELATIONSHIP TO OTHER LAW.—An activity funded under this section shall not be considered to be a supplemental or additional benefit under the Federal reclamation laws.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$6,000,000 to pay the Federal share of the costs of activities authorized under this section.

(e) SUNSET.—The authority of the Secretary to carry out this section terminates

on the date that is 10 years after the date of enactment of this Act.

SEC. 11 . . . LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams, and the Economy Project water management feasibility study and environmental impact statement in accordance with the “Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project”, dated July 2, 2004.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation \$500,000 to carry out activities under this section.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of an activity carried out under subsection (a) shall be 50 percent of the total cost to the Bureau of Reclamation of carrying out the activity.

(B) FORM.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under subsection (a).

(c) SUNSET.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 11 . . . NORTH UNIT IRRIGATION DISTRICT.

The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting “(referred to in this Act as the ‘District’)” after “irrigation district”; and

(B) by inserting “(referred to in this Act as the ‘Contract’)” after “1953”; and

(2) by adding at the end the following:

“SEC. 3. ADDITIONAL TERMS.

“On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

“(1) In Article 8(a) of the Contract, by deleting ‘a maximum of 50,000’ and inserting ‘approximately 59,000’ after ‘irrigation service’.

“(2) In Article 11(a) of the Contract, by deleting ‘The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled ‘Land Classification, North Unit, Deschutes Project, 1953’ which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District’ and inserting ‘The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.’

“(3) In Article 11(c) of the Contract, by deleting ‘, with the approval of the Secretary,’ after ‘District may’, by deleting ‘the 49,817.75 acre maximum limit on the irrigable area is not exceeded’ and inserting ‘irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required’ after ‘time so long as’.

“(4) In Article 11(d) of the Contract, by inserting ‘, and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law’ after ‘herein provided’.

“(5) By adding at the end of Article 12(d) the following: ‘(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the Food and Energy Security Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District’s construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District’s total construction charge obligation shall be completely paid by June 30, 2044.’

“(6) In Article 14(a) of the Contract, by inserting ‘and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,’ after ‘and incidental stock and domestic uses’, by inserting ‘and for instream purposes as described above,’ after ‘irrigation, stock and domestic uses’, and by inserting ‘, including natural flow rights out of the Crooked River held by the District’ after ‘irrigation system’.

“(7) In Article 29(a) of the Contract, by inserting ‘and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law’ after ‘provided in article 11’.

“(8) In Article 34 of the Contract, by deleting ‘The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records,’ after ‘for that purpose.’

“SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

“The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.”

SEC. 11 . . . TUMALO WATER CONSERVATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term “Project” means the Tumalo Irrigation District Water Conservation Project authorized under section 3(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project \$4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 3578. Mr. SMITH (for himself and 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:

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

SEC. 11 . . . EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208; 110 Stat. 3009-534) is amended—

(1) in subsection (a)(1)—

(A) by striking “Deschutes River Basin Working Group” and inserting “Deschutes River Conservancy Working Group”; and

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

“(B) 4 representatives of private interests, including—

“(i) 2 representatives from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers; and

“(ii) 2 representatives from the environmental community;”;

(2) in subsection (b)(3), by inserting before the period at the end the following: “, and up to a total amount of \$2,000,000 during each of fiscal years 2007 through 2016”; and

(3) in subsection (h), by inserting before the period at the end the following: “, and \$2,000,000 for each of fiscal years 2007 through 2016”.

SA 3579. Mr. SMITH (for himself and 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:

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

SEC. 11 . . . WALLOWA LAKE DAM REHABILITATION.

(a) DEFINITIONS.—In this section:

(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term “Associated Ditch Companies, Incorporated” means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term “Wallowa Lake Dam Rehabilitation Program” means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, “Phase I Dam Assessment and Preliminary Engineering Design”, dated December 2002, and on file with the Bureau of Reclamation.

(b) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(1) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(2) CONDITIONS.—As a condition of providing funds under paragraph (1), the Secretary shall ensure that—

(A) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(B) Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this section; and

(C) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this section, during and after the period in which activities are conducted using Federal funds provided under this section.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the costs of activities authorized under this section shall not exceed 50 percent.

(B) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of those costs—

(i) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; or

(ii) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(4) COMPLIANCE WITH STATE LAW.—In carrying out this section, the Secretary shall comply with applicable water laws of the State of Oregon.

(5) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this section.

(6) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation or maintenance of any facility constructed or rehabilitated under this section.

(c) RELATIONSHIP TO OTHER LAW.—An activity funded under this section shall not be considered to be a supplemental or additional benefit under the Federal reclamation laws.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$6,000,000 to pay the Federal share of the costs of activities authorized under this section.

(e) SUNSET.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 3580. Mr. SMITH (for himself and 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:

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

SEC. 11 . . . LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams, and the Economy Project water management feasibility study and environmental impact statement in accordance with the “Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project”, dated July 2, 2004.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation \$500,000 to carry out activities under this section.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of an activity carried out under subsection (a) shall be 50 percent of the total cost to the Bureau of Reclamation of carrying out the activity.

(B) FORM.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under subsection (a).

(c) SUNSET.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 3581. Mr. SMITH (for himself and 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:

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

SEC. 11 . . . NORTH UNIT IRRIGATION DISTRICT.

The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting “(referred to in this Act as the ‘District’)” after “irrigation district”; and

(B) by inserting “(referred to in this Act as the ‘Contract’)” after “1953”; and

(2) by adding at the end the following:

“SEC. 3. ADDITIONAL TERMS.

“On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

“(1) In Article 8(a) of the Contract, by deleting ‘a maximum of 50,000’ and inserting ‘approximately 59,000’ after ‘irrigation service to’.

“(2) In Article 11(a) of the Contract, by deleting ‘The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the

standards upon which the classification was made are described in the document entitled "Land Classification, North Unit, Deschutes Project, 1953" which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting "The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'

"(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

"(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

"(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the Food and Energy Security Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'

"(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

"(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

"(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records,' after 'for that purpose'.

SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

"The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.'

SA 3582. Mr. SMITH (for himself and 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:

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

SEC. 11 ____ . TUMALO WATER CONSERVATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term "Project" means the Tumalo Irrigation District Water Conservation Project authorized under section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project \$4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 3583. Mr. SUNUNU (for himself and 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. ____ . CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.

(a) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D, as amended by this Act, is amended—

(1) by striking "and" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting "; and", and

(3) by adding at the end the following new paragraph:

"(5) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year."

(b) MAXIMUM CREDIT.—Paragraph (1) of section 25D(b), as amended by this Act, is amended—

(1) by striking "and" at the end of subparagraph (C),

(2) by striking the period at the end of subparagraph (D) and inserting "; and", and

(3) by adding at the end the following new subparagraph:

"(E) \$4,000 with respect to any qualified biomass fuel property expenditures."

(c) MAXIMUM EXPENDITURES.—Subparagraph (A) of section 25D(e)(4), as amended by this Act, is amended—

(1) by striking "and" at the end of clause (iii),

(2) by striking the period at the end of clause (iv) and inserting "; and", and

(3) by adding at the end the following new clause:

"(v) \$6,667 in the case of any qualified biomass fuel property expenditures."

(d) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D, as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

"(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

"(ii) which has a thermal efficiency rating of at least 75 percent.

"(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers."

(e) TERMINATION.—Section 25D(g), relating to termination, is amended to read as follows:

"(g) TERMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed under this section shall not apply to property placed in service after December 31, 2008.

"(2) EXCEPTION.—The credit allowed under this section by reason of subsection (a)(5) shall not apply to property placed in service after December 31, 2012."

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

SA 3584. Mr. COBURN 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. 49 ____ . REPORT ON FEDERAL HUNGER PROGRAMS.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains—

(1) a complete list of all Federal programs that seek to alleviate hunger or food insecurity or improve nutritional intake, including

programs that support collaboration, coordination, research, or infrastructure related to these issues;

(2) for each program listed under paragraph (1)—

(A) the total amount of Federal funds used to carry out the program in the most recent fiscal year for which comparable data is available;

(B) a comparison of the amount described in subparagraph (A) with the amount used to carry out a similar program 10 and 20 years previously;

(C) to the maximum extent practicable, the amount of Federal funds used under the program to provide direct food aid to individuals (including the amount used for the costs of administering the program); and

(D) a review to determine whether the program has been independently reviewed for effectiveness with respect to achieving the goals of the program, including—

(i) the findings of the independent review; and

(ii) for the 10 highest-cost programs, a determination of whether the review was conducted in accordance with accepted research principles;

(3) for the 10- and 20-year periods before the date of enactment of this Act, and for the most recent year for which data is available, the estimated number of people in the United States who are hungry (or food insecure) or obese; and

(4) as of the date of submission of the report—

(A) the number of employees of the Department of Agriculture, including contractors and other individuals whose salary is paid in full or part by the Department; and

(B) the number of farmers and other agricultural producers in the United States that receive some form of assistance from the Department.

SA 3585. Mr. COBURN 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. ____ . EXPENDITURE OF CERTAIN FUNDS.

None of the funds made available or authorized to be appropriated by this Act or an amendment made by this Act (including funds for any loan, grant, or payment under a contract) may be expended for any activity relating to the planning, construction, or maintenance of, travel to, or lodging at a golf course, resort, or casino.

SA 3586. 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 F of title VII, add the following:

SEC. 7 ____ . SENSE OF SENATE REGARDING ORGANIC RESEARCH.

It is the sense of the Senate that—

(1) the Secretary should recognize that sales of certified organic products have been expanding by 17 to 20 percent per year for more than a decade, but research and outreach activities relating specifically to certified organic production growth and proc-

essing of agricultural products (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)) has not kept pace with this expansion;

(2) research conducted specifically on organic methods and production systems benefits organic and conventional producers and contributes to the strategic goals of the Department of Agriculture, resulting in benefits for trade, human health, the environment, and overall agricultural productivity;

(3) in order to meet the needs of the growing organic sector, the Secretary should use a portion of the total annual funds of the Agricultural Research Service for research specific to organic food and agricultural systems that is at least commensurate with the market share of the organic sector of the domestic food retail market; and

(4) the increase in funding described in paragraph (3) should include funding for efforts—

(A) to establish long-term core capacities for organic research;

(B) to assist organic farmers and farmers intending to transition to organic production systems; and

(C) to disseminate research results through the Alternative Farming Systems Information Center of the National Agriculture Library.

SA 3587. 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 1007, strike line 16 and insert the following:

(T) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations.

(U) Other programs, including any pro-

On page 1036, between lines 2 and 3, insert the following:

(d) SENSE OF CONGRESS REGARDING CERTAIN RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.—It is the sense of Congress that the Secretary should continue to allocate sufficient funds under sections 401(c)(2)(F) and 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(c)(2)(F), 7627) for research, extension, and education programs relating to the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations in existence on the date of enactment of this Act.

SA 3588. 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:

In title I, at the end of subtitle D, insert the following:

SEC. 1610. MODIFIED BLOC VOTING.

(a) IN GENERAL.—Notwithstanding paragraph (12) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Mar-

keting Agreement Act of 1937, in the case of the referendum conducted as part of the consolidation of Federal milk marketing orders and related reforms under section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253), a cooperative association of milk producers may not elect to hold a vote on behalf of its members as authorized by that paragraph, unless the cooperative association provides to each producer, on behalf of which the cooperative association is expressing approval or disapproval, at the time a producer joins the cooperative association and annually thereafter, written notice that contains—

(1) information regarding the procedures by which a producer may cast an individual ballot;

(2) contact information for the milk marketing order information clearinghouse described in subsection (b) and procedures to be added to a notification list described in subsection (c); and

(3) information about a point of contact within the cooperative association to inquire regarding the manner in which the cooperative association intends to vote on behalf of the membership.

(b) INFORMATION CLEARINGHOUSE.—Each milk marketing order shall establish a information clearinghouse on referendums on Federal milk marketing order reform that includes—

(1) information on procedures by which a producer may cast an individual ballot;

(2) due dates for each specific referendum;

(3) the text of each referendum question under consideration; and

(4) a description in plain language of the question and relevant background information.

(c) NOTIFICATION LIST FOR UPCOMING REFERENDUM.—Each Federal milk marketing order shall—

(1) make available the information described in subsection (b) through a website; and

(2) distribute to each producer an alert on each upcoming referendum through a fax list, email distribution list, or United States mail list, as elected by each producer individually.

(d) TABULATION OF BALLOTS.—At the time at which ballots from a vote under subsection (a) are tabulated by the Secretary, the Secretary shall adjust the vote of a cooperative association to reflect individual votes submitted by producers that are members of, stockholders in, or under contract with, the cooperative association.

SA 3589. 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 175, strike line 14 and all that follows through page 176, line 21, and insert the following:

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) ensuring that dairy producers receive fair and reasonable minimum prices;

(3) enhancing the competitiveness of United States dairy producers in world markets;

(4) preventing anticompetitive behavior and ensuring that dairy markets are not prone to manipulation;

(5) increasing the responsiveness of the Federal milk marketing order system to market forces;

(6) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(7) simplifying the Federal milk marketing order system;

(8) evaluating whether the Federal milk marketing order system, established during the Great Depression, continues to serve the interests of the public, dairy processors, and dairy producers;

(9) evaluating whether Federal milk marketing orders are operating in a manner to minimize costs to taxpayers and consumers, while still maintaining a fair price for producers;

(10) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards;

(11) evaluating the economic benefits to milk producers of establishing a 2-class system of classifying milk consisting of a fluid milk class and a manufacturing grade milk class, with the price of both classes determined using the component prices of butyfat, protein, and other solids; and

(12) evaluating a change in advance pricing that is used to calculate the advance price of Class II skim milk under Federal milk marketing orders using the 4-week component prices that are used to calculate prices for Class III and Class IV milk.

SA 3590. Mr. BOND 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 576, strike lines 13 through 17 and insert the following:

(2) in subsection (b)—

(A) by striking “(b) Coupons” and inserting the following:

“(b) USE.—

“(1) IN GENERAL.—Benefits”;

(B) in paragraph (1) (as designated by subparagraph (A)), by striking the second proviso; and

(C) by adding at the end the following:

“(2) STUDY.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct a study of the effects of the Secretary issuing a rule requiring that benefits shall only be used to purchase food that is included in the most recent applicable thrifty food plan market basket.”;

SA 3591. Mr. BOND submitted an amendment 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. 11. FARM REGULATORY CONSIDERATION.

(a) DEFINITIONS.—Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(9) AGRICULTURAL ENTITY.—The term ‘agricultural entity’ means any entity engaged in any farming, ranching, or forestry activity, including—

“(A) cultivation and tillage of soil;

“(B) the production of milk and milk products;

“(C) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity;

“(D) the raising of livestock, bees, fur-bearing animals, or poultry; and

“(E) any practice (including any forestry or lumbering operation) performed by a producer on a farm or on a farm as incident to or in conjunction with an activity described in this paragraph, including—

“(i) preparation for market; and

“(ii) delivery to storage, to market, or to carriers for transportation to market.”.

(b) REGULATORY AGENDA.—Section 602 of that title is amended—

(1) in subsections (a)(1) and (c), by inserting “or agricultural entities” after “small entities” each place it appears; and

(2) in subsection (b), by inserting “or the Department of Agriculture, as appropriate,” after “Administration”.

(c) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of that title is amended—

(1) by inserting “or agricultural entities” after “small entities” each place it appears; and

(2) in subsection (a), in the fourth sentence, by inserting “or the Department of Agriculture, as appropriate” after “Administration”.

(d) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of that title is amended by inserting “or agricultural entities” after “small entities” each place it appears.

(e) AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSES.—Section 605(b) of that title is amended—

(1) in the first sentence, by inserting “or agricultural entities” after “small entities”; and

(2) in the third sentence, by inserting “or the Department of Agriculture, as appropriate” after “Administration”.

(f) PROCEDURES FOR GATHERING COMMENTS.—Section 609 of that title is amended—

(1) by inserting “or agricultural entities” after “small entities” each place it appears;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “or the Department of Agriculture, as appropriate,” after “Administration”;

(B) in paragraph (2), by inserting “appropriate” before “Chief Counsel”; and

(C) in paragraphs (3) and (4), by inserting “appropriate” before “Chief Counsel” each place it appears;

(3) in subsection (d), by inserting “, the Department of the Interior,” after “Agency”; and

(4) in subsection (e), in the first sentence, by inserting “appropriate” before “Chief Counsel”.

(g) PERIODIC REVIEW OF RULES.—Section 610 of that title is amended by inserting “or agricultural entities” after “small entities” each place it appears.

(h) JUDICIAL REVIEW.—Section 611(a) of that title is amended—

(1) in paragraphs (1) and (3), by inserting “or agricultural entity” after “small entity” each place it appears; and

(2) in paragraph (4)(B), by inserting “or agricultural entities” after “small entities”.

(i) REPORTS AND INTERVENTION RIGHTS.—Section 612 of that title is amended—

(1) by striking subsection (a) and inserting the following:

“(a) MONITORING AND REPORTS.—The Chief Counsels for Advocacy of the Small Business Administration and the Department of Agriculture shall—

“(1) monitor agency compliance with this chapter; and

“(2) not less frequently than once each year, submit a report describing the results

of the monitoring conducted under paragraph (1) to—

“(A) the President;

“(B) the Committees on Agriculture, the Judiciary, and Small Business of the House of Representatives; and

“(C) the Committees on Agriculture, Nutrition, and Forestry, the Judiciary, and Small Business and Entrepreneurship of the Senate.”;

(2) in subsection (b)—

(A) in the first sentence, by inserting “or the Department of Agriculture” after “Administration”; and

(B) in the second sentence, by inserting “or agricultural entities” after “small entities” each place it appears; and

(3) in subsection (c), by inserting “or the Department of Agriculture” after “Administration”.

(j) OFFICE OF ADVOCACY OF DEPARTMENT OF AGRICULTURE.—Chapter 6 of part I of title 5, United States Code, is amended by adding at the end the following:

“§ 613. Office of Advocacy of Department of Agriculture

“(a) ESTABLISHMENT.—There is established in the Department of Agriculture an Office of Advocacy (referred to in this section as the ‘Office’).

“(b) CHIEF COUNSEL.—The Office shall be directed by the Chief Counsel for Advocacy of the Department of Agriculture, who—

“(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

“(2) shall not be an employee of any Federal department or agency on the day before the date of appointment.

“(c) DUTIES.—The Chief Counsel of the Office shall—

“(1) examine—

“(A) the role of agriculture in the United States economy; and

“(B) the contribution made by agricultural entities in improving the economy;

“(2)(A) measure the direct costs and other effects of regulation of agricultural entities; and

“(B) make recommendations (including recommendations relating to proposed legislation) for eliminating excessive or unnecessary regulation of agricultural entities;

“(3)(A) determine the impact of applicable tax structure on agricultural entities; and

“(B) make recommendations (including recommendations relating to proposed legislation) for modifying the tax structure to enhance the ability of agricultural entities to contribute to the United States economy;

“(4) study the ability of financial markets and institutions to meet the credit needs of agricultural entities and determine the impact of demands for credit by the Federal Government on agricultural entities;

“(5) evaluate the efforts of Federal departments and agencies, businesses, and industry to assist minority-owned agricultural entities;

“(6) make other appropriate recommendations to assist the development of minority-owned and other agricultural entities;

“(7) recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and fulfill potential and determine the reasons, if any, for successes and failures of agricultural entities; and

“(8) evaluate the programs of each Federal department and agency, and of private industry, to assist agricultural entities owned and controlled by veterans (including service-disabled veterans)—

“(A) to provide statistics regarding use of the programs by those agricultural entities; and

“(B) to provide appropriate recommendations to the Secretary of Agriculture and

Congress in order to promote the establishment and growth of those agricultural entities.

“(d) ADDITIONAL RESPONSIBILITIES.—In addition to the duties described in subsection (c), the Chief Counsel shall, on a continuing basis—

“(1) serve as a focal point for the receipt of complaints, criticism, and suggestions concerning the policies and activities of Federal departments and agencies that affect agricultural entities;

“(2) advise agricultural entities on methods of resolving issues relating to the relationship of the agricultural entity with the Federal Government;

“(3) develop proposals for modifications to the policies and activities of any Federal department or agency to advance the purposes of agricultural entities;

“(4) represent the interests of agricultural entities to other Federal departments and agencies the policies and activities of which may affect agricultural entities; and

“(5) solicit assistance from public and private agencies, businesses, and other organizations in disseminating information on—

“(A) the programs and services provided by the Federal Government to benefit agricultural entities; and

“(B) methods by which agricultural entities can participate in or otherwise benefit from those programs and services.”

SA 3592. 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:

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

SEC. 1107. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Chihuahuan Desert Nature Park Board.

(2) NATURE PARK.—The term “Nature Park” means the Chihuahuan Desert Nature Park, Inc., a nonprofit corporation in the State of New Mexico.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, subject to valid existing rights and subsection (c), the Secretary shall convey to the Nature Park, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in paragraph (2)

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of land referred to in paragraph (1) consists of the approximately 935.62 acres of land in Dona Ana County, New Mexico, which is more particularly described—

(i) as sections 17, 20, and 21 of T. 21 S., R. 2 E., N.M.P.M.; and

(ii) in an easement deed dated May 14, 1998, from the Department of Agriculture to the Nature Park.

(B) MODIFICATIONS.—The Secretary may modify the description of the land under subparagraph (A) to—

(i) correct errors in the description; or

(ii) facilitate management of the land.

(c) CONDITIONS.—The conveyance of land under subsection (b) shall be subject to—

(1) the reservation by the United States of all mineral and subsurface rights to the land, including any geothermal resources;

(2) the condition that the Board pay any costs relating to the conveyance;

(3) any rights-of-way reserved by the Secretary;

(4) a covenant or restriction in the deed to the land requiring that—

(A) the land may be used only for educational or scientific purposes; and

(B) if the land is no longer used for the purposes described in subparagraph (A), the land may, at the discretion of the Secretary, revert to the United States in accordance with subsection (d); and

(5) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (b) is no longer used for the purposes described in subsection (c)(4)(A)—

(1) the land may, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Nature Park, the successor to the Nature Park, or any other person responsible for the contamination shall be required to remediate the contamination.

(e) WITHDRAWAL.—All federally owned mineral and subsurface rights to the land described in subsection (b)(2) are withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) the operation of the mineral leasing laws, including the geothermal leasing laws.

(f) WATER RIGHTS.—Nothing in this section authorizes the conveyance of water rights to the Nature Park.

SA 3593. Mr. DORGAN (for himself and Mr. BROWNBACK) 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 1401, line 21, insert “materially participating in the production of agricultural or horticultural commodities described in subparagraph (A) or individuals” after “individuals”.

On page 1402, line 2, insert “materially participating in the production of agricultural or horticultural commodities described in subparagraph (A) or individuals” after “individuals”.

On page 1402, line 6, insert “before, on, or” after “made”.

SA 3594. Mr. DORGAN (for himself and Mr. BROWNBACK) 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 1401, line 21, insert “materially participating in the production of agricultural or horticultural commodities described in subparagraph (A) or individuals” after “individuals”.

On page 1402, line 2, insert “materially participating in the production of agricultural or horticultural commodities described in subparagraph (A) or individuals” after “individuals”.

SA 3595. 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 842, between line 13 and 14, insert the following:

SEC. 6034. PUBLIC HEARINGS UPON APPLICATIONS FOR CERTAIN TRANSACTIONS BY TELECOMMUNICATIONS PROVIDERS.

(a) CONCENTRATION OF WIRELESS MARKET.—

(1) IN GENERAL.—If a wireless telephone service acquisition, merger, or license transfer would result in 70 percent or more of the wireless customers living in the rural area of a State having their wireless telephone service provided by 1 wireless telephone service provider, then the Secretary of Agriculture, acting through the Office of Rural Development and the Rural Development Telecommunications Program, shall hold at least 3 public hearings in geographically diverse rural areas of that State to discuss the impact of the proposed acquisition, merger, or transfer on the economic development and competitiveness of that State.

(2) FCC RESPONSIBILITY.—The Federal Communications Commission shall be responsible for notifying the Secretary of Agriculture upon its receipt of an application for an acquisition, merger, or license transfer that satisfies the concentration requirement under paragraph (1).

(b) HEARINGS.—

(1) IN GENERAL.—The public hearings required under subsection (a) shall be held at such times and such locations so as to allow the broadest segment of the population of a State to attend.

(2) NOTICE TO THE PUBLIC.—The Secretary of Agriculture shall provide at least 90 days notice to the public of the time and place of such hearings, including by—

(A) publishing such notice—

(i) on the website of the Department of Agriculture; and

(ii) in popular circulated newspapers and other written publications in the State; and

(B) broadcasting such notice on local radio and television stations serving the State.

(3) COMMENCEMENT OF NOTICE TIMELINES.—Notice of such hearings shall be given after a posting of a Public Notice by the Federal Communications Commission of its receipt of an application for an acquisition, merger, or license transfer that satisfies the concentration requirement under subsection (a)(1).

(c) REPORT.—Not later than 180 days after the final hearing required under subsection (a), the Secretary of Agriculture shall submit a report to the Federal Communications Commission—

(1) describing the issues, concerns, and comments raised and discussed at the public hearings required under subsection (a); and

(2) on the impact of the proposed acquisition, merger, or transfer on the rural areas of the State, including an examination of the impact such acquisition, merger, or transfer will have on the economic development and competitiveness of the State.

(d) FCC CONSIDERATION.—The Federal Communications Commission shall consider the report submitted under subsection (c) as part of its evaluation of any wireless telephone service acquisition, merger, or license transfer and shall take action, if any, on that acquisition, merger, or license transfer only after receipt of such report.

(e) DEFINITIONS.—In this section, the following definitions shall apply:

(1) RURAL AREA.—The term “rural area” has the same meaning given the term in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)).

(2) STATE.—The term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(3) WIRELESS TELEPHONE SERVICES.—The term “wireless telephone services” has the same meaning given the term “commercial mobile radio services” as such term is defined in section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)).

(4) WIRELESS TELEPHONE SERVICE PROVIDER.—The term “wireless telephone service provider” means any entity that provides wireless telephone service.

SA 3596. Mr. SESSIONS 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 1557, between lines 14 and 15, insert the following:

SEC. 12410. FARM SAVINGS ACCOUNTS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 199 the following new section:

“SEC. 200. FARM SAVINGS ACCOUNTS.

“(a) DEDUCTION ALLOWED.—In the case of a qualified farmer, there shall be allowed as a deduction for the taxable year an amount equal to the aggregate amount paid in cash during such taxable year by or on behalf of such taxpayer to a farm savings account of such taxpayer.

“(b) MINIMUM CONTRIBUTION REQUIREMENT.—A deduction shall not be allowed under subsection (a) for the taxable year with respect to a taxpayer if, during such taxable year, the aggregate amount contributed by such taxpayer to farm savings accounts of the taxpayer is not equal to at least 2 percent of the taxpayer’s 3-year average of income derived from farming or ranching.

“(c) ACCOUNT BALANCE LIMITATION.—A deduction shall not be allowed under subsection (a) with respect to any portion of a contribution to a farm savings account of a taxpayer if such contribution would result in the sum of the balances in all such accounts of such taxpayer to exceed 150 percent of the taxpayer’s 3-year average of income derived from farming or ranching.

“(d) QUALIFIED FARMER.—For purposes of this section, the term ‘qualified farmer’ means, with respect to any taxable year, any entity or individual who, during such year—

“(1) was engaged in the trade or business of farming or ranching,

“(2) has in effect an agreement with the Secretary of Agriculture under section 523(f) of the Federal Crop Insurance Act to accept contributions under this section in lieu of—

“(A) receiving, after the expiration of any transition period applicable to the taxpayer under subsection (g)(2), any Federal subsidy toward the premium of any crop insurance policy (other than catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act), or

“(B) obtaining noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), and

“(3) has—

“(A) in the case of insurable commodities, at least catastrophic risk protection provided under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)), or similar coverage, and

“(B) in the case of noninsurable commodities, coverage under the noninsured crop assistance program under section 196 of the Federal Agriculture Improvement and Reform Act.

“(e) FARM SAVINGS ACCOUNT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘farm savings account’ means a trust created or organized in the United States as a farm savings account exclusively for the purpose of making qualified distributions, but only if the written governing instrument creating the trust meets the following requirements:

“(A) No contribution will be accepted unless it is in cash.

“(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

“(C) The assets of the trust will be invested in securities issued by the United States Treasury or in such other low-risk interest-bearing securities as are approved by the Secretary.

“(D) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

“(E) The interest of a taxpayer in the balance in his account is nonforfeitable.

“(2) QUALIFIED DISTRIBUTION.—The term ‘qualified distribution’ means any amount paid from a farm savings account to the account beneficiary to the extent that such amount when added to all other amounts paid from such accounts to such beneficiary during the taxable year (other than rollover contributions) does not exceed the excess (if any) of—

“(A) 80 percent of such beneficiary’s 3-year average of income derived from farming or ranching, over

“(B) such beneficiary’s gross income derived from farming or ranching for the taxable year.

“(3) 3-YEAR AVERAGE OF INCOME DERIVED FROM FARMING OR RANCHING.—The term ‘3-year average of income derived from farming or ranching’ means, with respect to any taxpayer—

“(A) the sum of the taxpayer’s gross income derived from farming or ranching for the taxable year and the 2 preceding taxable years, divided by

“(B) the number of taxable years taken into account under clause (1) during which such taxpayer was engaged in the trade or business of farming or ranching.

“(4) ACCOUNT BENEFICIARY.—The term ‘account beneficiary’ means the taxpayer on whose behalf the farm savings account was established.

“(5) SPECIAL RULES.—

“(A) FEDERAL CONTRIBUTIONS.—For purposes of this title, any amount paid to a farm savings account by the Secretary of Agriculture under subsection (g) shall be included in the account beneficiary’s gross income in the taxable year for which the amount was contributed, whether or not a deduction for such payment is allowable under this section to the beneficiary.

“(B) OTHER RULES.—Rules similar to the following rules shall apply for purposes of this section:

“(i) Section 219(d)(2) (relating to no deduction for rollovers).

“(ii) Section 219(f)(3) (relating to time when contributions deemed made).

“(iii) Section 408(g) (relating to community property laws).

“(iv) Section 408(h) (relating to custodial accounts).

“(f) TAX TREATMENT OF ACCOUNTS.—

“(1) IN GENERAL.—A farm savings account is exempt from taxation under this subtitle unless such account has ceased to be a farm savings account. Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

“(2) TERMINATION OF ACCOUNTS.—If the account beneficiary ceases to engage in the trade or business of farming or ranching, such trade or business becomes covered under any crop insurance policy for which a premium subsidy is paid by the Secretary of Agriculture (other than catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act), or the account beneficiary seeks noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333)—

“(A) all farm savings accounts of such taxpayer shall cease to be such accounts, and

“(B) the balance of all such accounts shall be treated as—

“(i) distributed to such taxpayer, and

“(ii) not paid in a qualified distribution.

“(g) FEDERAL CONTRIBUTION TO ACCOUNTS.—

“(1) CONTRIBUTIONS REQUIRED.—Using amounts in the insurance fund established under section 516(c) of the Federal Crop Insurance Act (7 U.S.C. 1516(c)), the Secretary of Agriculture shall match the contributions made for a taxable year to farm savings accounts of a taxpayer who has entered into the agreement with the Secretary required by subsection (d)(2) in an aggregate amount equal to the lesser of—

“(A) the amount of any premium that would be paid by the Federal Crop Insurance Corporation under section 508(e) of the Federal Crop Insurance Act (but for the agreement with the Secretary of Agriculture under subsection (d)(2)), or

“(B) 2 percent of the taxpayer’s 3-year average of income derived from farming or ranching.

“(2) TRANSITION PERIODS.—Notwithstanding paragraph (1), during the first 3 taxable years for which the Secretary of Agriculture makes contributions under such paragraph to farm savings accounts of a taxpayer and during the first 3 taxable years following any taxable year during which there occurs a qualified distribution from a farm savings account of the taxpayer, the amount contributed by the Secretary may not exceed—

“(A) for the first taxable year, 25 percent of the amount the Secretary would otherwise contribute under paragraph (1) for that taxable year,

“(B) for the second taxable year, 50 percent of the amount the Secretary would otherwise contribute under paragraph (1) for that taxable year, and

“(C) for the third taxable year, 75 percent of the amount the Secretary would otherwise contribute under paragraph (1) for that taxable year.

“(3) CROP INSURANCE COVERAGE.—

“(A) IN GENERAL.—During any transition period applicable to a taxpayer under paragraph (2), the taxpayer would be covered with any claim at the same level of coverage purchased, but subject to the condition that any claim would first use amounts in the farm savings accounts of a taxpayer before conventional crop insurance would make any payment, if necessary.

“(B) CATASTROPHIC COVERAGE.—If a taxpayer with a farm savings account would be

covered under catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act or under the noninsured crop assistance program under section 196 of the Federal Agriculture Improvement and Reform Act, such taxpayer shall be covered with respect to such claim under such protection or program, but subject to the condition that any claim would first use amounts in the farm savings accounts of a taxpayer before any payment was made with respect to such claim.

“(h) TAX TREATMENT OF DISTRIBUTIONS.—

“(1) IN GENERAL.—Any amount paid or distributed out of a farm savings account (other than a rollover contribution described in paragraph (4)) shall be included in gross income.

“(2) ADDITIONAL TAX ON NON-QUALIFIED DISTRIBUTIONS.—

“(A) IN GENERAL.—The tax imposed by this chapter on the account beneficiary for any taxable year in which there is a payment or distribution from a farm savings account of such beneficiary which is not a qualified distribution shall be increased by 15 percent of the amount of such payment or distribution which is not a qualified distribution.

“(B) EXCEPTION FOR DISABILITY OR DEATH.—Subparagraph (A) shall not apply if the payment or distribution is made after the account beneficiary becomes disabled within the meaning of section 72(m)(7) or dies.

“(3) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—

“(A) IN GENERAL.—If any excess contribution is contributed for a taxable year to a farm savings account of a taxpayer, paragraph (2) shall not apply to distributions from the farm savings accounts of such taxpayer (to the extent such distributions do not exceed the aggregate excess contributions to all such accounts of such taxpayer for such year) if—

“(i) such distribution is received by the taxpayer on or before the last day prescribed by law (including extensions of time) for filing such taxpayer's return for such taxable year, and

“(ii) such distribution is accompanied by the amount of net income attributable to such excess contribution. Any net income described in clause (ii) shall be included in the gross income of the taxpayer for the taxable year in which it is received.

“(B) EXCESS CONTRIBUTION.—For purposes of subparagraph (A), the term ‘excess contribution’ means any contribution (other than a rollover contribution) which is not deductible under this section.

“(4) ROLLOVER CONTRIBUTION.—An amount is described in this paragraph as a rollover contribution if it meets the requirements of subparagraphs (A) and (B).

“(A) IN GENERAL.—For purposes of this section, any amount paid or distributed from a farm savings account to the account beneficiary shall be treated as a qualified distribution to the extent the amount received is paid into a farm savings account for the benefit of such beneficiary not later than the 60th day after the day on which the beneficiary receives the payment or distribution.

“(B) LIMITATION.—This paragraph shall not apply to any amount described in subparagraph (A) received by a taxpayer from a farm savings account if, at any time during the 1-year period ending on the day of such receipt, such taxpayer received any other amount described in subparagraph (A) from a farm savings account which was not included in the taxpayer's gross income because of the application of this paragraph.

“(5) TRANSFER OF ACCOUNT INCIDENT TO DIVORCE.—The transfer of an individual's interest in a farm savings account to an individual's spouse or former spouse under a divorce

or separation instrument described in subparagraph (A) of section 71(b)(2) shall not be considered a taxable transfer made by such individual notwithstanding any other provision of this subtitle, and such interest shall, after such transfer, be treated as a farm savings account with respect to which such spouse is the account beneficiary.

“(6) TREATMENT AFTER DEATH OF ACCOUNT BENEFICIARY.—

“(A) TREATMENT IF DESIGNATED BENEFICIARY IS SPOUSE.—If the account beneficiary's surviving spouse acquires such beneficiary's interest in a farm savings account by reason of being the designated beneficiary of such account at the death of the account beneficiary, such farm savings account shall be treated as if the spouse were the account beneficiary.

“(B) OTHER CASES.—

“(i) IN GENERAL.—If, by reason of the death of the account beneficiary, any person acquires the account beneficiary's interest in a farm savings account in a case to which subparagraph (A) does not apply—

“(I) such account shall cease to be a farm savings account as of the date of death, and

“(II) an amount equal to the fair market value of the assets in such account on such date shall be included if such person is not the estate of such beneficiary, in such person's gross income for the taxable year which includes such date, or if such person is the estate of such beneficiary, in such beneficiary's gross income for the last taxable year of such beneficiary.

“(ii) DEDUCTION FOR ESTATE TAXES.—An appropriate deduction shall be allowed under section 691(c) to any person (other than the decedent or the decedent's spouse) with respect to amounts included in gross income under clause (i) by such person.

“(i) REPORTS.—The Secretary may require the trustee of a farm savings account to make such reports regarding such account to the Secretary and to the account beneficiary with respect to contributions, distributions, and such other matters as the Secretary determines appropriate. The reports required by this subsection shall be filed at such time and in such manner and furnished to such taxpayers at such time and in such manner as may be required by the Secretary.”

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62, as amended by this Act, is amended by inserting after paragraph (22) the following new paragraph:

“(23) FARM SAVINGS ACCOUNTS.—The deduction allowed by section 200.”

(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended—

(1) by striking “or” at the end of subsection (a)(4), by inserting “or” at the end of subsection (a)(5), and by inserting after subsection (a)(5) the following new paragraph:

“(6) a farm savings account (within the meaning of section 200(e)),” and

(2) by adding at the end the following new subsection:

“(h) EXCESS CONTRIBUTIONS TO FARM SAVINGS ACCOUNTS.—For purposes of this section, in the case of farm savings accounts (within the meaning of section 200(e)), the term ‘excess contribution’ means the sum of—

“(1) the aggregate amount contributed for the taxable year to the accounts (other than rollover contributions described in section 200(h)(4)) which is not allowable as a deduction under section 200 for such year, and

“(2) the amount determined under this subsection for the preceding taxable year, reduced by the sum of—

“(A) the distributions out of the accounts with respect to which additional tax was imposed under section 200(h)(2), and

“(B) the excess (if any) of—

“(i) the maximum amount allowable as a deduction under section 200(c) for the taxable year, over

“(ii) the amount contributed to the accounts for the taxable year.

For purposes of this subsection, any contribution which is distributed out of the farm savings account in a distribution to which section 200(h)(3) applies shall be treated as an amount not contributed.”

(d) TAX ON PROHIBITED TRANSACTIONS.—

(1) Section 4975(c) (relating to tax on prohibited transactions) is amended by adding at the end the following new paragraph:

“(7) SPECIAL RULE FOR FARM SAVINGS ACCOUNTS.—An taxpayer for whose benefit a farm savings account (within the meaning of section 200(e)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a farm savings account by reason of the application of section 200(f)(2) to such account.”

(2) Section 4975(e)(1) of such Code is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:

“(F) a farm savings account described in section 200(e).”

(e) FAILURE TO PROVIDE REPORTS ON FARM SAVINGS ACCOUNTS.—Section 6693(a)(2) (relating to reports) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

“(D) section 200(i) (relating to farm savings accounts).”

(f) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 199 the following new item:

“Sec. 200. Farm savings accounts.”

(g) CONFORMING AMENDMENTS TO FEDERAL CROP INSURANCE ACT.—

(1) ESTABLISHMENT OF PILOT PROGRAM; PAYMENT OF PORTION OF PREMIUM BY FEDERAL CROP INSURANCE CORPORATION.—Section 523(e) of the Federal Crop Insurance Act (7 U.S.C. 1523(e)) is amended by adding at the end the following new subsection:

“(f) FARM SAVINGS ACCOUNT PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary enters into agreements with producers to receive contributions to farm savings accounts established under section 200 of the Internal Revenue Code of 1986 in lieu of—

“(A) receiving, after the expiration of any transition period applicable to the producer under paragraph (2), any Federal subsidy toward the premium of any crop insurance policy, or

“(B) obtaining noninsured crop disaster assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

“(2) LIMITATIONS ON ENROLLMENT.—

“(A) IN GENERAL.—The Secretary shall enroll not more than 20,000 producers under the pilot program established under paragraph (1).

“(B) DATE.—The Secretary shall not enroll any producer in the pilot program established under paragraph (1) after September 30, 2012.

“(3) TRANSITION TO FARM SAVINGS ACCOUNTS.—If a producer enters into an agreement under paragraph (1) to forgo any Federal subsidy toward the premium of any crop insurance policy (other than catastrophic risk protection under section 508(b)) in exchange for contributions by the Secretary to a farm savings account of the producer, then, in connection with the purchase of any crop insurance policy (other than catastrophic risk protection under section 508(b)) during the first 3 taxable years for which the Secretary makes contributions under 200(g) of the Internal Revenue Code of 1986 to a farm savings account of the producer, the amount of the premium to be paid by the Corporation under section 508(e) for such insurance policy shall be equal to—

“(A) for the first taxable year, 75 percent of the amount of the premium that would otherwise be paid by the Corporation under section 508(e);

“(B) for the second taxable year, 50 percent of the amount of the premium that would otherwise be paid by the Corporation under section 508(e); and

“(C) for the third taxable year, 25 percent of the amount of the premium that would otherwise be paid by the Corporation under section 508(e).

“(4) CROP INSURANCE COVERAGE.—

“(A) IN GENERAL.—During the transition period applicable to a producer under paragraph (3), the producer would be covered with any claim at the same level of coverage purchased, but subject to the condition that any claim would first use amounts in the farm savings accounts of a producer before conventional crop insurance would make any payment, if necessary.

“(B) CATASTROPHIC COVERAGE.—If a producer with a farm savings account would be covered under catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act or under the noninsured crop assistance program under section 196 of the Federal Agriculture Improvement and Reform Act, such producer shall be covered with respect to such claim under such protection or program, but subject to the condition that any claim would first use amounts in the farm savings accounts of a producer before any payment was made with respect to such claim.”.

(2) FUNDING SOURCE.—Section 516(b) of such Act (7 U.S.C. 1516(b)) is amended by adding at the end the following new paragraph:

“(3) CONTRIBUTIONS TO FARM SAVINGS ACCOUNTS.—The Secretary shall use the insurance fund established under subsection (c) to make required contributions to farm savings accounts established under section 200 of the Internal Revenue Code of 1986 in accordance with section 523(f).”.

(h) CONFORMING AMENDMENT TO AGRICULTURAL MARKET TRANSITION ACT.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended by adding at the end the following new paragraph:

“(6) COORDINATION WITH FARM SAVINGS ACCOUNT PILOT PROGRAM.—No person who has entered into an agreement with the Secretary under the farm savings account pilot program under section 523(f) of the Federal Crop Insurance Act shall be eligible to receive any noninsured assistance payment under this section.”.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, November 15, 2007, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 228-3031 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled “SBA Lender Oversight: Preventing Loan Fraud and Improving Regulation of Lenders,” on Tuesday, November 13, 2007, at 10 a.m., in room 428A of the Russell Senate Office Building.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, “Speculation In the Crude Oil Market.” The Permanent Subcommittee on Investigations hearing will examine the role of speculation in recent record crude oil prices. Witnesses for the upcoming hearing will include oil industry and energy market experts. A final witness list will be available Tuesday, November 13, 2007.

The subcommittee hearing is scheduled for Thursday, November 15, 2007, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. 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 8, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing. This hearing will focus on issues related to media consolidation, pending proposals to change the Federal Communications Commission's media ownership rules, and government efforts to promote localism and diversity in the media marketplace.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. 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 8, 2007 at 9:30 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. KENNEDY. 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 8, 2007, at 2:30 p.m. in order to hold a hearing on Syria.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. KENNEDY. 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 “Protecting the Employment Rights of Those Who Protect the United States” on Thursday, November 8, 2007 at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. 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 8, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda

I. Bills: S. 352, Sunshine in the Courtroom Act of 2007 (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin); S. 2135, Child Soldiers Accountability Act of 2007 (Durbin, Coburn, Feingold, Brownback); S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007.

II. Nominations: Michael J. Sullivan to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice; Joseph N. Laplante to be United States District