

Whereas Section 6103(a) of title 5, United States Code, provides that “Memorial Day, the last Monday in May” and “Veteran’s Day, November 11” are legal public holidays: Now, therefore, be it

Resolved, That the Senate

(1) encourages the people of the United States to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection; and

(2) encourages schools and teachers to educate students on the great contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3502. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3503. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3504. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3505. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3506. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. CASEY, Ms. STABENOW, Mrs. BOXER, Mr. NELSON of Florida, Mr. BINGAMAN, Mr. CARDIN, and Mr. INOUYE) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3507. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3508. Mr. REID (for Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. FEINGOLD, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. TESTER)) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3509. Mr. REID proposed an amendment to amendment SA 3508 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. FEINGOLD, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. TESTER)) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3510. Mr. REID proposed an amendment to the bill H.R. 2419, supra.

SA 3511. Mr. REID proposed an amendment to amendment SA 3510 proposed by Mr. REID to the bill H.R. 2419, supra.

SA 3512. Mr. REID proposed an amendment to the bill H.R. 2419, supra.

SA 3513. Mr. REID proposed an amendment to amendment SA 3512 proposed by Mr. REID to the bill H.R. 2419, supra.

SA 3514. Mr. REID proposed an amendment to amendment SA 3513 proposed by Mr. REID to the amendment SA 3512 proposed by Mr. REID to the bill H.R. 2419, supra.

SA 3515. Mr. STEVENS (for himself and Mrs. MCCASKILL) 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 3516. Mr. TESTER 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 3517. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3518. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3519. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3520. Mrs. BOXER (for herself and Mrs. FEINSTEIN) 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 3521. Mr. CASEY (for himself and Ms. STABENOW) 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 3522. Mr. CASEY (for himself and Ms. STABENOW) 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 3523. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3524. Ms. MIKULSKI (for herself and Mr. SPECTER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3525. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3526. Mr. COBURN 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 3527. Mr. COBURN 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 3528. Mr. COBURN 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 3529. Mr. COBURN 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 3530. Mr. COBURN 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 3531. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3532. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3533. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3534. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3535. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3536. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3537. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3538. Mr. AKAKA (for himself, Mr. KERRY, Mr. STEVENS, Mr. FEINGOLD, Mr. WYDEN, and Mr. LAUTENBERG) 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 3539. Mr. DURBIN 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 3540. Mr. CASEY 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 3541. Mr. CRAIG (for himself, Mr. AL-LARD, and Mr. BROWNBACK) 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 3542. Mr. DOMENICI (for himself, Mr. THUNE, Mr. NELSON, of Nebraska, Mr. JOHNSON, Mr. GRASSLEY, Mr. CRAIG, Mr. SALAZAR, and Mr. COLEMAN) 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 3543. Ms. STABENOW (for herself, Mr. DOMENICI, Mr. CASEY, Mr. LEVIN, Mr. SANDERS, Mrs. BOXER, Mr. BINGAMAN, Mr. COLEMAN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3502. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be

proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 82. PREVENTION OF ILLEGAL LOGGING PRACTICES.

The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

“(f) PLANT.—

“(1) IN GENERAL.—The term ‘plant’ means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

“(2) EXCLUSIONS.—The term ‘plant’ excludes any common food crop or cultivar that is a species not listed—

“(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

“(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).”;

(B) in subsection (h), by inserting “also” after “plants the term”; and

(C) by striking subsection (j) and inserting the following:

“(j) TAKE.—The term ‘take’ means—

“(1) to capture, kill, or collect; and

“(2) with respect to a plant, also to harvest, cut, log, or remove.”;

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) any plant—

“(i) taken, transported, possessed, or sold in violation of any law or regulation of any State or any foreign law that protects plants or that regulates—

“(I) the theft of plants;

“(II) the taking of plants from a park, forest reserve, or other officially protected area;

“(III) the taking of plants from an officially designated area; or

“(IV) the taking of plants without, or contrary to, required authorization;

“(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required by any law or regulation of any State or any foreign law; or

“(iii) exported or transshipped in violation of any law or regulation of any State or any foreign law; or”; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

“(B) to possess any plant—

“(i) taken, transported, possessed, or sold in violation of any law or regulation of any State or any foreign law that protects plants or that regulates—

“(I) the theft of plants;

“(II) the taking of plants from a park, forest reserve, or other officially protected area;

“(III) the taking of plants from an officially designated area; or

“(IV) the taking of plants without, or contrary to, required authorization;

“(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required by any law or regulation of any State or any foreign law; or

“(iii) exported or transshipped in violation of any law or regulation of any State or any foreign law; or”; and

(B) by adding at the end the following:

“(f) PLANT DECLARATIONS.—

“(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

“(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

“(B) a description of—

“(i) the value of the importation; and

“(ii) the quantity, including the unit of measure, of the plant; and

“(C) the name of the country from which the plant was taken.

“(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

“(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

“(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

“(3) EXCLUSIONS.—The declaration requirements of paragraphs (1) and (2) shall not apply to plants used exclusively as wood and paper packaging materials used to support, protect, or carry a commodity, unless the wood and paper packaging materials are the commodity being imported.

“(4) REVIEW.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

“(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

“(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

“(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

“(5) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

“(i) an evaluation of—

“(II) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

“(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

“(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

“(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

“(I) the cost of legal plant imports; and

“(II) the extent and methodology of illegal logging practices and trafficking.

“(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

“(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

“(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products; and

“(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4).”; and

(3) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking “section 4” and inserting “section 3(f), section 4.”.

SA 3503. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1107. PENNINGTON BIOMEDICAL RESEARCH CENTER.

(a) FINDINGS.—Congress finds that—

(1) the Pennington Biomedical Research Center (referred to in this section as the “Center”) is an outstanding facility, several investigators employed by which have positive international reputations; and

(2) (A) Congress has directed the Secretary, acting through the Administrator of the Agricultural Research Service, to collaborate with the Center—

(i) to establish a human nutrition research program with the Center; and

(ii) to employ scientists of the Agricultural Research Service focusing on obesity at the state-of-the-art facilities of the Center; but

(B) concern exists regarding the promptness with which the Secretary has—

(i) integrated the Center into the human nutrition research program of the Agricultural Research Service; and

(ii) provided funding to the Center.

(b) DESIGNATION AND FUNDING.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(1) officially designate the Center as an “Agricultural Research Service Human Nutrition Center”; and

(2) provide to the Center adequate funding in accordance with the formula used by the Secretary to provide funding to other Agricultural Research Service Human Nutrition Centers.

(c) EFFECT ON OTHER CENTERS.—The provision of funds to the Center pursuant to subsection (b)(2) shall not unjustly reduce the amount provided to any other Agricultural Research Service Human Nutrition Center by the Secretary under any other law (including regulations).

SA 3504. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____ DOMESTIC PET TURTLE MARKET ACCESS

SEC. ____ . SHORT TITLE.

This title may be cited as the “Domestic Pet Turtle Market Access Act of 2007”.

SEC. ____ . FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can nearly eradicate salmonella from turtles, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. _____. SALE OF BABY TURTLES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Food and Drug Administration shall not restrict the sale by a turtle farmer, wholesaler, or commercial retail seller of a turtle that is less than 10.2 centimeters in diameter as a pet if—

(1) the State or territory in which the pet turtle farmer of the turtle is located has developed a regulatory process by which pet turtle farmers are required to have a State license to breed, hatch, propagate, raise, grow, receive, ship, transport, export, or sell pet turtles or pet turtle eggs;

(2) such State or territory requires certification of sanitization that is signed by a veterinarian who is licensed in the State or territory, and approved by the State or territory agency in charge of regulating the sale of pet turtles;

(3) the certification of sanitization requires each turtle to be sanitized or treated for diseases, including salmonella, and is dependent upon using the Siebeling method, or other such proven nonantibiotic method, to make the turtle salmonella-free; and

(4) the turtle farmer or commercial retail seller includes, with the sale of such a turtle, a disclosure to the buyer that includes—

(A) information regarding—

(i) the possibility that salmonella can recolonize in turtles;

(ii) the dangers, including possible severe illness or death, especially for at-risk people who may be susceptible to salmonella poisoning, such as children, pregnant women, and others who may have weak immune systems, that could result if the turtle is not properly handled and safely maintained;

(iii) the proper handling of the turtle, including an explanation of proper hygiene such as handwashing after handling a turtle; and

(iv) the proven methods of treatment that, if properly applied, keep the turtle safe from salmonella;

(B) a detailed explanation of how to properly treat the turtle to keep it safe from salmonella, using the proven methods of treatment referred to under subparagraph (A), and how the buyer can continue to purchase the tools, treatments, or any other required item to continually treat the turtle; and

(C) a statement that buyers of pet turtles should not abandon the turtle or abandon the turtle outside, as the turtle may become an invasive species to the local community, but should instead return the turtle to a commercial retail pet seller or other organization that would accept turtles no longer wanted as pets.

(b) **FDA REVIEW OF STATE PROTECTIONS.**—The Commissioner of Food and Drugs may, after providing an opportunity for the affected State to respond, restrict the sale of a turtle only if the Secretary of Health and Human Services determines that the actual implementation of State health protections described in subsection (a) are insufficient to protect consumers against infections diseases acquired from such turtle at the time of sale.

SA 3505. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the miscellaneous title, insert the following:

SEC. _____. LEAFY GREEN VEGETABLES.

(a) **FINDINGS.**—Congress finds that—

(1) unique requirements exist with respect to the production of safe, nutritious, and healthy leafy green vegetables; and

(2) it is necessary to regulate the production of leafy green vegetables under 1 marketing order that encompasses all leafy green vegetable production in the United States.

(b) **NATIONAL MARKETING ORDERS.**—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (8)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(B) by striking the paragraph designation and heading and all that follows through “Except” and inserting the following:

“(8) ORDERS WITH MARKETING AGREEMENTS.—

“(A) **IN GENERAL.**—Subject to subparagraph (B) and except”; and

(C) by adding at the end the following:

“(B) **LEAFY GREEN VEGETABLES.**—

“(i) **DEFINITION OF LEAFY GREEN VEGETABLE.**—In this subparagraph, the term ‘leafy green vegetable’ includes—

“(I) arugula;

“(II) baby leaf lettuce (immature lettuce or leafy greens);

“(III) butter lettuce;

“(IV) chard;

“(V) endive (excluding Belgian endive);

“(VI) escarole;

“(VII) green leaf lettuce;

“(VIII) green, red, and savoy cabbage;

“(IX) iceberg lettuce;

“(X) kale;

“(XI) red leaf lettuce;

“(XII) romaine lettuce;

“(XIII) spinach; and

“(XIV) spring mix.

(ii) **APPROVAL BY HANDLERS.**—Notwithstanding any other provision of this Act, the Secretary may establish a national marketing order for leafy green vegetables only on approval by—

“(I) $\frac{1}{2}$ of the total number of handlers of leafy green vegetables in all States that participate in an election held by the Secretary for purposes of the approval; or

“(II) handlers of leafy green vegetables that, as determined by the Secretary, handle

not less than $\frac{1}{2}$ of the volume of leafy green vegetables handled by the total number of handlers of leafy green vegetables in all States that participate in an election held by the Secretary for purposes of the approval.

“(iii) **CONTENTS.**—A marketing order established pursuant to this subparagraph may provide quality requirements relating to food safety in the production and processing of leafy green vegetables.

“(iv) **PERIOD OF EFFECTIVENESS.**—A marketing order established pursuant to this subparagraph shall remain in effect until the earlier of—

“(I) the date of termination of the marketing order under paragraph (16)(B)(ii); and

“(II) the date on which the Secretary of Health and Human Services assumes responsibility, pursuant to Federal law, for safe handling in the leafy green vegetable industry.”; and

(2) in paragraph (16)(B)—

(A) by striking “(B) The Secretary” and inserting the following:

“(B) **TERMINATION OF MARKETING AGREEMENTS.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the Secretary”; and

(B) by adding at the end the following:

“(ii) **LEAFY GREEN VEGETABLES.**—Notwithstanding clause (i), the Secretary may terminate a marketing order established pursuant to paragraph (8)(B) only on approval by—

“(I) $\frac{1}{2}$ of the total number of handlers of leafy green vegetables in all States that participate in an election held by the Secretary for purposes of the approval; or

“(II) handlers of leafy green vegetables that, as determined by the Secretary, handle more than $\frac{1}{2}$ of the volume of leafy green vegetables handled by the total number of handlers of leafy green vegetables in all States that participate in an election held by the Secretary for purposes of the approval.”.

(c) **LIMITATIONS ON IMPORTATION.**—Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by inserting “leafy green vegetables,” after “pistachios.”.

SA 3506. Ms. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. CASEY, Ms. STABENOW, Mrs. BOXER, Mr. NELSON of Florida, Mr. BINGAMAN, Mr. CARDIN, and Mr. INOUYE) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title XI, insert the following:

SEC. 1103. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO DEPARTMENT OF AGRICULTURE.

(a) **REPEAL OF TRANSFER OF FUNCTIONS.**—Sections 310 and 421 of the Homeland Security Act of 2002 (6 U.S.C. 190, 231) are repealed.

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

(1) by striking paragraph (7); and

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

(c) **TRANSFER AGREEMENT.**—

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

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

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date described in subsection (g), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 310 or 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 190, 231(g)) (as in effect on the day before the effective date described in subsection (g)) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

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

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

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

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

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

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

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

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

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

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

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

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

(f) DUTIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary shall—

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

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

(2) FEDERAL AND STATE COOPERATION.—

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

(B) ADVISORY COMMITTEE.—

(i) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the “International Trade Inspection Advisory Committee” (referred to in this subparagraph as the “committee”), to advise the Secretary on policies and other issues relating to import and entry agricultural inspection.

(ii) MODEL.—In establishing the committee, the Secretary shall use as a model the Agricultural Trade Advisory Committee.

(iii) MEMBERSHIP.—The committee shall be composed of members representing—

(I) State departments of agriculture;

(II) directors of ports and airports in the United States;

(III) the transportation industry;

(IV) the public; and

(V) such other entities as the Secretary determines to be appropriate.

(3) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report containing an assessment of—

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

(B) the adequacy of—

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

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

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

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

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

SA 3507. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 563, between lines 15 and 16, insert the following:

SEC. 3205. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting “clementines,” after “nectarines.”

SA 3508. Mr. REID (for Mr. DORGAN for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. FEIN-

GOLD, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. TESTER) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

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

SEC. 1703. PAYMENT LIMITATIONS.

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

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

“(1) ENTITY.—

“(A) IN GENERAL.—The term ‘entity’ means—

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

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

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

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

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

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

“(2) INDIVIDUAL.—The term ‘individual’ means—

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

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

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

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

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

“(c) LIMITATION ON COUNTER-CYCICAL PAYMENTS.—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle

A or C of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(3) of that Act, shall not exceed \$30,000.”;

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

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

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

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

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

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

(5) by striking subsection (e);

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

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

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

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

“(g) SPOUSAL EQUITY.—

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

“(2) EXCEPTIONS.—

“(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate individual with respect to a farming operation

brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

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

“(h) ATTRIBUTION OF PAYMENTS.—

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

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

“(3) PAYMENTS TO AN ENTITY.—

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

“(B) ATTRIBUTION OF PAYMENTS.—

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

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

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

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

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

“(C) SECOND LEVEL.—

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

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

“(D) THIRD AND FOURTH LEVELS.—

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

“(ii) FOURTH-TIER OWNERSHIP BY ENTITY.—If the fourth-tier of ownership is that of a

fourth-tier entity, the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that the Secretary determines to represent the indirect ownership in the first-tier entity by the fourth-tier entity.”; and

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

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

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

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

“(a) SUBSTANTIVE CHANGE.—

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

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

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

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

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

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

(2) in subsection (b)—

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

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

(B) in paragraph (2)—

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

“(A) DEFINITIONS.—In this paragraph:

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

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

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

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

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

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

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

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

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

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

“(bb) personal labor and active personal management;

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

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

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

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

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

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

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

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

(iii) by adding at the end the following:

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

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

“(I) 1,000 hours; and

“(II) a period of time equal to—

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

“(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in an entity in which all of the beneficial interests are held by family members, 50 percent of the commen-

surate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

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

(C) in paragraph (3)—

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

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

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

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

(ii) in subparagraph (B)—

(I) in the first sentence—

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

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

(II) by striking the second sentence; and

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

(D) in paragraph (4)—

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

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

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

“(B) OTHER INDIVIDUALS AND ENTITIES.—

Any other individual or entity, or class of individuals or entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.”;

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

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

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

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

(i) in the first sentence—

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

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

(ii) by striking the second sentence; and

(3) by adding at the end the following:

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

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

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

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

(1) by inserting “(a) IN GENERAL.” before “If”;

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

(3) by adding at the end the following:

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

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

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

“(2) the succeeding 5 crop years.

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

“(e) WAIVER AUTHORITY.—

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

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

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

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

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

(3) in subsection (b)—

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

(B) in the first sentence—

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

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

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

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

On page 233, strike lines 6 through 13 and insert the following:

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

“(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

“(1) \$5,000,000 for fiscal year 2008; and

“(2) \$10,000,000 for each of fiscal years 2009 through 2012.”

On page 239, strike lines 8 through 14 and insert the following:

“(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section, to remain available until expended—

“(A) not later than 30 days after the date of enactment of the Food and Energy Security Act of 2007, \$22,000,000; and

“(B) on October 1, 2011, \$3,000,000.”

On pages 445, strike lines 18 through 25 and insert the following:

“(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable—

“(A) \$97,000,000 for fiscal year 2008;

“(B) \$114,000,000 for each of fiscal years 2009 and 2010;

“(C) \$115,000,000 for fiscal year 2011; and

“(D) \$97,000,000 for fiscal year 2012.

“(6) The grassland reserve program under subchapter C of chapter 2, using, to the maximum extent practicable, \$285,000,000 for the period of fiscal years 2008 through 2012.

Beginning on page 574, strike line 23 and all that follows through page 575, line 3 and insert the following:

“(2) AMOUNTS.—In addition to the amounts made available under paragraph (1), from amounts made available to carry out this Act, the Secretary shall use to carry out this subsection—

“(A) \$110,000,000 for each of fiscal years 2008 through 2012; and

“(B) \$63,000,000 for each of fiscal years 2013 through 2017.”

On page 662, strike lines 2 through 7 and insert the following:

(a) EMERGENCY FOOD ASSISTANCE.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking “\$60,000,000 for each of the fiscal years 2003 through 2007” and inserting “\$100,000,000 for fiscal year 2008, \$113,000,000 for fiscal year 2009, \$114,000,000 for each of fiscal years 2010 and 2011, \$115,000,000 for fiscal year 2012, and \$100,000,000 for each fiscal year thereafter”.

On page 692, strike lines 6 through 17 and insert the following:

- (1) section 4101;
- (2) section 4102;
- (3) section 4104;
- (4) section 4107;
- (5) section 4109;
- (6) section 4701(a)(3); and
- (7) section 4903.

On page 715, strike lines 6 through 9 and insert the following:

“(1) FUNDING.—

“(A) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

“(B) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2012.

On page 744, line 6, strike “\$100,000,000” and insert “\$200,000,000”.

On page 746, strike lines 12 through 18 and insert the following:

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g), to remain available until expended—

(A) \$120,000,000 for fiscal year 2008; and

(B) \$40,000,000 for each of fiscal years 2009 and 2010.

Beginning on page 787, strike line 22 and all that follows through page 788, line 2, and insert the following:

“(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, \$40,000,000 for each of fiscal year 2008 and 2009, to remain available until expended.

On page 993, strike lines 16 through 18 and insert the following:

“(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, \$15,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.”

SA 3509. Mr. REID proposed an amendment to amendment SA 3508 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. FEINGOLD, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. TESTER)) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect 1 day after enactment.

SA 3510. Mr. REID proposed an amendment to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end of the bill add the following:

This section shall take effect 3 days after the date of enactment.

SA 3511. Mr. REID proposed an amendment to amendment SA 3510 proposed by Mr. REID to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In the amendment strike 3 and insert 4.

SA 3512. Mr. REID proposed an amendment to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end of the bill add the following:

This section shall take effect 5 days after the date of enactment.

SA 3513. Mr. REID proposed an amendment to amendment SA 3512 proposed by Mr. REID to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In the motion strike 5 and insert 6.

SA 3514. Mr. REID proposed an amendment to amendment SA 3513 proposed by Mr. REID to the amendment SA 3512 proposed by Mr. REID to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In the amendment strike 6 and insert 7.

SA 3515. Mr. STEVENS (for himself and Mrs. McCASKILL) 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 884, line 16, strike “or”.

On page 884, between lines 16 and 17, insert the following:

“(6) competitive grants, for public television stations or a consortium of public television stations, to provide education, outreach, and assistance, in cooperation with community groups, to rural communities and vulnerable populations with respect to the digital television transition, and particularly the acquisition, delivery, and installation of the digital-to-analog converter boxes described in section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note); or

On page 884, line 17, strike “(6)” and insert “(7)”.

SA 3516. Mr. TESTER 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 850, strike line 23 and all that follows through page 851, line 6, and insert the following:

“(b) LOANS.—In addition to any other funds or authorities otherwise made available under this Act, the Secretary may make electric loans under this title for—

“(1) electric generation from renewable energy resources for resale to rural and nonrural residents;

“(2) transmission lines principally for the purpose of wheeling power from 1 or more renewable energy sources; and

“(3) a project to capture, transport, and store carbon dioxide at an eligible facility, except that funds from a loan made available for such a project may be used only—

“(A) to carry out carbon dioxide capture, including purification and compression;

“(B) to provide for the cost of transportation and injection of carbon dioxide; or

“(C) to incorporate within the project a comprehensive measurement, monitoring, and validation program.

SA 3517. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 313, strike line 21 and all that follows through page 320, line 22, and insert the following:

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (h) and inserting the following:

“(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

“(1) PROGRAM.—

“(A) IN GENERAL.—During the 2008 through 2012 calendar years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in paragraph (2).

“(B) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the pilot program established under this subsection.

“(2) ELIGIBLE ACREAGE.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), an owner or operator may enroll in the conservation reserve under this subsection—

“(i) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

“(II) a shallow water area that was devoted to a commercial pond-raised aquaculture operation any year during the period of calendar years 2002 through 2007; or

“(III) an agricultural drainage water treatment wetland that receives flow from a row crop agricultural drainage system and is designed to provide nitrogen removal in addition to other wetland functions; and

“(ii) buffer acreage that—

“(I) is contiguous to a wetland or shallow water area described in clause (i);

“(II) is used to protect the wetland or shallow water area described in clause (i); and

“(III) is of such width as the Secretary determines to be necessary to protect the wetland or shallow water area described in clause (i) or to enhance the wildlife benefits, including through restoration of bottomland hardwood habitat, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland or shallow water area.

“(B) PROGRAM LIMITATIONS.—

“(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection not more than—

“(I) 100,000 acres in any 1 State referred to in paragraph (1); and

“(II) not more than a total of 1,000,000 acres.

“(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

“(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

“(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

“(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

“(iv) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—Not later than 3 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall—

“(I) conduct a review of the program under this subsection with respect to each State that has enrolled land in the program; and

“(II) notwithstanding clause (i)(I), increase the number of acres that may be enrolled by a State under clause (i)(I) to not more than 150,000 acres, as determined by the Secretary.

“(C) OWNER OR OPERATOR LIMITATIONS ON BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be determined by the Secretary, in consultation with the State Technical Committee.

“(D) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch shall agree—

“(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

“(B) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species in shallow water areas) on the eligible acreage, as determined by the Secretary;

“(C) to a general prohibition of commercial use of the enrolled land, except for hunting leases and other environmental services; and

“(D) to carry out other duties described in section 1232.

“(4) DUTIES OF THE SECRETARY.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments based on rental rates for cropland and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

“(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

“(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.”

SA 3518. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 793, between lines 16 and 17, insert the following:

SEC. 6. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

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

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

“(a) DEFINITIONS.—In this section:

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

“(A) purchasing, leasing, and installing computer software and hardware, including

handheld computer technologies, and related services;

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

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

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

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

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

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

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

“(iii) integrates with larger health networks.

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

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

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

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

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

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

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

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

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

“(F) a physician or physician group practice that is located in a rural area; and

“(G) a governmental or nongovernmental ground or air ambulance service licensed or recognized by a State.

“(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

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

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

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

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

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

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

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

“(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary

such information as the Secretary may require—

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

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

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section not more than \$30,000,000 for each of fiscal years 2008 through 2012.”.

SA 3519. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 11. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

“SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

“(a) DEFINITION OF EMERGENCY MEDICAL SERVICE.—In this section:

“(1) IN GENERAL.—The term ‘emergency medical service’ means any resource used by a qualified public or private entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

“(A) the condition of the patient; or

“(B) a natural disaster or similar situation.

“(2) INCLUSIONS.—The term ‘emergency medical service’ includes (compensated or volunteer) services delivered by an emergency medical service provider or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or the equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical service provider.

“(b) GRANTS.—The Secretary shall award grants to eligible entities—

“(1) to enable the entities to provide for improved emergency medical services in rural areas; and

“(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bio-agents in rural areas.

“(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

“(1) be—

“(A) a State emergency medical services office;

“(B) a State emergency medical services association;

“(C) a State office of rural health;

“(D) a local government entity;

“(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

“(F) a State or local ambulance provider; or

“(G) any other entity determined to be appropriate by the Secretary; and

“(2) prepare and submit to the Secretary an application at such time, in such manner,

and containing such information as the Secretary may require, that includes—

“(A) a description of the activities to be carried out under the grant; and

“(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

“(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in rural areas—

“(1) to hire or recruit emergency medical service personnel;

“(2) to recruit or retain volunteer emergency medical service personnel;

“(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

“(4) to fund training to meet Federal or State certification requirements;

“(5) to provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel;

“(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

“(7) to acquire emergency medical services vehicles, including ambulances;

“(8) to acquire emergency medical services equipment, including cardiac defibrillators;

“(9) to acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

“(10) to educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

“(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

“(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

“(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

“(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 5 percent of the amount received under the grant.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than \$30,000,000 for each of fiscal years 2008 through 2012.

“(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses.”.

SA 3520. Mrs. BOXER (for herself and Mrs. FEINSTEIN) 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 subchapter B of chapter 2 of subtitle D of title II, add the following:

SEC. 23. AIR QUALITY IMPROVEMENT.

(a) IN GENERAL.—Under the environmental quality section of the program established under this subchapter, the Secretary shall promote air quality by providing cost-share payments and incentive payments to individual producers for use in addressing air quality concerns associated with agriculture.

(b) ELIGIBLE PRACTICES, COST-SHARE.—

(1) REDUCTION OF EMISSIONS OF AIR POLLUTANTS AND PRECURSORS OF AIR POLLUTANTS.—In addition to practices eligible for cost-share payments under the environmental quality section of the program established under this subchapter, the Secretary shall provide cost-share payments to producers under this section for mobile or stationary equipment (including engines) used in an agricultural operation that would reduce emissions and precursors of air pollutants.

(2) CONSIDERATIONS.—In evaluating applications for cost-share assistance for equipment described in paragraph (1), the Secretary shall prioritize assistance for equipment that—

(A) is the most cost-effective in addressing air quality concerns; and

(B) would assist producers in meeting Federal, State, or local regulatory requirements relating to air quality.

(c) LOCATIONS.—To receive a payment for a project under this section, a producer shall carry out the project in a county—

(1) that is in nonattainment with respect to ambient air quality standards;

(2) in which there is air quality degradation, recognized by a State or local agency, to which agricultural emissions significantly contribute.

(d) PRIORITY.—The Secretary shall give priority to projects that—

(1) involve multiple producers implementing eligible conservation activities in a coordinated manner to promote air quality; or

(2) are designed to encourage broad adoption of innovative approaches, including approaches involving the use of innovative technologies and integrated pest management, on the condition that the technologies do not have the unintended consequence of compromising other environmental goals.

SA 3521. Mr. CASEY (for himself and Ms. STABENOW) 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. 11072. INVASIVE PEST AND DISEASE EMERGENCY RESPONSE FUNDING CLARIFICATION.

The Secretary may provide funds on an emergency basis to States to assist the States in combating invasive pest and disease outbreaks for any appropriate period of years after the date of initial detection by a State of an invasive pest or disease outbreak, as determined by the Secretary.

SA 3522. Mr. CASEY (for himself and Ms. STABENOW) 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 the nutrition title, insert the following:

SEC. _____. SENSE OF CONGRESS REGARDING THE FOOD STAMP NUTRITION EDUCATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) nutrition education under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) plays an essential role in improving the dietary and physical activity practices of low-income people in the United States, helping to reduce food insecurity, prevent obesity, and reduce the risks of chronic disease;

(2) expert organizations, such as the Institute of Medicine, indicate that dietary and physical activity behavior change is more likely to result from the combined application of public health approaches and education than from education alone; and

(3) State programs are implementing nutrition education using effective strategies, including direct education, group activities, and social marketing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary should support and encourage the most effective interventions for nutrition education under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.), including public health approaches and traditional education, to increase the likelihood that recipients of food and nutrition program benefits and people who are potentially eligible for those benefits will choose diets and physical activity practices consistent with the Dietary Guidelines for Americans; and

(2) to promote the most effective implementation of publicly-funded programs, State nutrition education activities under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.)—

(A) should be coordinated with other federally-funded food assistance and public health programs; and

(B) should leverage public/private partnerships to maximize the resources and impact of the programs.

SA 3523. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 672, strike line 7 and all that follows through page 673, line 4, and insert the following:

SEC. 4904. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the program, including foods products for all meals served under the program, including foods products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Department of Defense fresh fruit and vegetable distribution program.

SA 3524. Ms. MIKULSKI (for herself and Mr. SPECTER) submitted an amend-

ment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, after line 2, insert the following:

SEC. 7505. STUDIES AND REPORTS BY THE DEPARTMENT OF AGRICULTURE AND THE NATIONAL ACADEMY OF SCIENCES ON FOOD PRODUCTS FROM CLONED ANIMALS.**(a) STUDY BY THE DEPARTMENT OF AGRICULTURE.**

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the “Secretary”), in coordination with the Economic Research Service, and after consultation with the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs), shall conduct a study on the economic and trade impact of agricultural exports of food products from cloned animals.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall include—

(A) an analysis of the domestic agricultural and international trade economic implications of permitting commercialization of milk and meat from cloned animals and their progeny into the food supply, with special attention to—

(i) the impact on Federal agricultural expenditures; and

(ii) meat and milk exports shifts that would take place as other countries react to that commercialization, including the potential for other countries to ban exports from the United States; and

(B) estimates of the consumer and exporter behavioral responses that must be factored into both the economic impact analysis and the health impact analysis required under this section.

(b) STUDY WITH THE GOVERNMENT ACCOUNTABILITY OFFICE ON MONITORING FOOD PRODUCTS FROM CLONED ANIMALS.

(1) IN GENERAL.—The Secretary, in coordination with Comptroller General of the United States, shall conduct a study on the programs in place at the Department of Agriculture to monitor food products from cloned animals if such products enter the food supply.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall include an evaluation of the processes in place at the Department of Agriculture to monitor food products from cloned animals throughout the food supply. The study shall also include a review of existing studies and literature, from the United States and other countries and organizations, that relate to the evaluation of the safety of food products from cloned animals and methods for monitoring such products in the food supply.

(c) STUDY WITH THE GOVERNMENT ACCOUNTABILITY OFFICE ON THE HEALTH EFFECTS AND COSTS ATTRIBUTABLE TO MILK FROM CLONED ANIMALS IN THE FOOD SUPPLY.

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs), and in coordination with Comptroller General of the United States, shall conduct a study on the health effects and costs attributable to milk from cloned animals in the food supply.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall include an evaluation and measurement of the potential public health effects and associated health care costs, including any consumer behavior changes and negative impacts on nutrition, and prevention of osteoporosis and other chronic disease that result from any decrease in milk

consumption, attributable to the commercialization of milk from cloned animals and their progeny.

(d) STUDY WITH THE NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—The Secretary shall contract with the National Academy of Sciences to conduct a study and report to Congress regarding the safety of food products derived from cloned animals.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall include a review and an assessment of whether the studies (including peer review studies), data, and analysis used in the draft risk assessment issued by the Food and Drug Administration entitled *Animal Cloning: A Draft Risk Assessment* (issued on December 28, 2006) supported the conclusions drawn by such draft risk assessment and—

(A) whether there were a sufficient number of studies to support such conclusions; and

(B) whether additional pertinent studies and data exist which were not considered in the draft risk assessment and how this additional information affects the conclusions drawn in such draft risk assessment.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to impede ongoing scientific research in artificial reproductive health technologies.

(f) TIMEFRAME FOR STUDIES.—The Secretary shall complete the studies required under this section prior to issuance by the Commissioner of Food and Drugs of the final risk assessment on the safety of cloned animals and food products derived from cloned animals.

(g) CONTINUANCE OF MORATORIUM.—The voluntary moratorium on introducing food from cloned animals or their progeny into the food supply, as in effect on the date of enactment of this Act, shall remain in effect at least until the date that the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs) issues the final risk assessment described in subsection (f).

SA 3525. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XI, insert the following:

SEC. 11. CLONED FOOD LABELING.**(a) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.**

(1) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

“(z)(1) If it contains cloned product unless it bears a label that provides notice in accordance with the following:

“(A) A notice as follows: ‘THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY’.

“(B) The notice required in clause (A) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

“(C) The notice required under clause (A) is clearly legible and conspicuous.

“(2) For purposes of this paragraph:

“(A) The term ‘cloned animal’ means—

“(i) an animal produced as the result of somatic cell nuclear transfer; and

“(ii) the progeny of such an animal.

“(B) The term ‘cloned product’ means a product or byproduct derived from or containing any part of a cloned animal.

“(3) This paragraph does not apply to food that is a medical food as defined in section 5(b) of the Orphan Drug Act.

“(4)(A) The Secretary, in consultation with the Secretary of Agriculture, shall require that any person that prepares, stores, handles, or distributes a cloned product for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with this paragraph and paragraph (aa).

“(B) The Secretary, in consultation with the Secretary of Agriculture, shall publish in the Federal Register the procedures established by such Secretaries to verify compliance with the recordkeeping audit trail system required under clause (A).

“(C) The Secretary, in consultation with the Secretary of Agriculture, shall, on an annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this subparagraph.

“(aa) If it bears a label indicating (within the meaning of paragraph (z)) that it does not contain cloned product, unless the label is in accordance with regulations promulgated by the Secretary. With respect to such regulations:

“(1) The regulations may not require such a label to include any statement indicating that the fact that a food does not contain such product has no bearing on the safety of the food for human consumption.

“(2) The regulations may not prohibit such a label on the basis that, in the case of the type of food involved, there is no version of the food in commercial distribution that does contain such product.”.

(2) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

“(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed \$100,000 for each such violation.

“(2) Paragraphs (5) through (7) of subsection (f) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (5) through (7) apply with respect to a civil penalty under paragraph (1), (2), or (3) of subsection (f).”.

(3) GUARANTY.—

(A) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(i) by striking “(d)” and inserting “(d)(1)”; and

(ii) by adding at the end the following paragraph:

“(2) Subject to section 403(z)(4), no person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) and 403(aa) if such person (referred to in this paragraph as the ‘recipient’) establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food to the effect that (within the meaning of section 403(z)) the food does not contain any cloned product.”.

(B) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting “or 303(d)(2)” after “303(c)(2)”.

(4) CITIZEN SUITS.—Chapter III of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331 et seq.) is amended by adding at the end the following section:

“SEC. 311. CITIZEN SUITS REGARDING MISBRANDING OF FOOD WITH RESPECT TO PRODUCT FROM CLONED ANIMALS.”

“(a) IN GENERAL.—Except as provided in subsection (c), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

“(1) a person who is alleged to have engaged in a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa); or

“(2) the Secretary where there is alleged a failure of the Secretary to perform any act or duty under section 403(z) or 403(aa) that is not discretionary.

“(b) RELIEF.—In a civil action under subsection (a), the district court involved may, as the case may be—

“(1) enforce the compliance of a person with the applicable provisions referred to in paragraph (1) of such subsection; or

“(2) order the Secretary to perform an act or duty referred to in paragraph (2) of such subsection.

“(c) LIMITATIONS.—

“(1) NOTICE TO SECRETARY.—A civil action may not be commenced under subsection (a)(1) prior to 60 days after the plaintiff has provided to the Secretary notice of the violation involved.

“(2) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under subsection (a)(2) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in subsection (a)(1).

“(d) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under subsection (a), the Secretary, if not a party, may intervene as a matter of right.

“(e) AWARD OF COSTS; FILING OF BOND.—In a civil action under subsection (a), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

“(f) SAVINGS PROVISION.—This section does not restrict any right that a person (or class of persons) may have under any statute or common law to seek enforcement of the provisions referred to subsection (a)(1), or to seek any other relief (including relief against the Secretary).”.

(b) AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT.—

(1) REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following:

“SEC. 7A. REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.”

“(a) DEFINITIONS.—In this section:

“(1) CLONED ANIMAL.—The term ‘cloned animal’ means—

“(A) an animal produced as the result of somatic cell nuclear transfer; and

“(B) the progeny of such an animal.

“(2) CLONED PRODUCT.—The term ‘cloned product’ means a product or byproduct derived from or containing any part of a cloned animal.

“(3) CLONED MEAT FOOD PRODUCT.—The term ‘cloned meat food product’ means a meat food product that contains a cloned product.

“(b) LABELING REQUIREMENT.—

“(1) REQUIRED LABELING TO AVOID MISBRANDING.—

“(A) INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product—

“(i) is a cloned meat food product; and

“(ii) does not bear a label (or include labeling, in the case of a meat food product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notice described in subsection (c).

“(B) NO INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—

“(i) IN GENERAL.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product bears a label indicating that the meat food product is not a cloned meat food product, unless the label is in accordance with regulations promulgated by the Secretary.

“(ii) REQUIREMENTS.—In promulgating regulations referred to in clause (i), the Secretary may not—

“(I) require a label to include any statement indicating that the fact that a meat food product is not a cloned meat food product has no bearing on the safety of the food for human consumption; or

“(II) prohibit a label on the basis that, in the case of the type of meat food product involved, there is no version of the meat food product in commercial distribution that is not a cloned meat food product.

“(2) AUDIT VERIFICATION SYSTEM.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall require that any person that manufactures, produces, distributes, stores, or handles a meat food product maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with the labeling requirements described in paragraph (1).

“(B) PUBLICATION.—The Secretary, in consultation with the Secretary of Health and Human Services, shall publish in the Federal Register the procedures established by the Secretaries to verify compliance with the recordkeeping audit trail system required under subparagraph (A).

“(C) REPORT.—The Secretary, in consultation with the Secretary of Health and Human Services, shall, on annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this paragraph.

“(c) SPECIFICS OF LABEL NOTICE.—

“(1) REQUIRED NOTICE.—The notice referred to in subsection (b)(1)(A)(ii) is the following: ‘THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY’.

“(2) SIZE.—The notice required in paragraph (1) shall be of the same size as if the notice provided nutrition information that is required under section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(1)).

“(d) GUARANTY.—

“(1) IN GENERAL.—Subject to subsection (b)(2) and paragraph (2), a person engaged in the business of manufacturing or processing meat food products, or selling or serving meat food products at retail or through a food service establishment (referred to in this subsection as the ‘recipient’) shall not be considered to have violated this section with respect to the labeling of a meat food product if the recipient establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food product or the animal from which the meat food product was derived, or received in

good faith food intended to be fed to the animal, to the effect that the meat food product, or the animal, or the meat food product, respectively, does not contain a cloned product or was not produced with a cloned product.

“(2) AUDIT VERIFICATION SYSTEM.—In the case of recipients who establish guaranties or undertakings in accordance with paragraph (1), the Secretary may exempt the recipients from the requirement under subsection (b)(2) regarding maintaining a verifiable recordkeeping audit trail.

“(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

“(e) CIVIL PENALTIES.—

“(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c) in an amount not to exceed \$100,000 for each violation.

“(2) NOTICE AND OPPORTUNITY FOR HEARING.—

“(A) IN GENERAL.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this paragraph and section 554 of title 5, United States Code.

“(B) WRITTEN NOTICE.—Before issuing an order under subparagraph (A), the Secretary shall—

“(i) give written notice to the person to be assessed a civil penalty under the order of the proposal of the Secretary to issue the order; and

“(ii) provide the person an opportunity for a hearing on the order.

“(C) AUTHORIZATIONS.—In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

“(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall consider—

“(A) the nature, circumstances, extent, and gravity of the 1 or more violations; and

“(B) with respect to the violator—

“(i) ability to pay;

“(ii) effect on ability to continue to do business;

“(iii) any history of prior violations;

“(iv) the degree of culpability; and

“(v) such other matters as justice may require.

“(4) CERTAIN AUTHORITIES.—

“(A) IN GENERAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1).

“(B) DEDUCTION FROM SUMS OWED.—The amount of a civil penalty under this subsection, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

“(5) JUDICIAL REVIEW.—

“(A) IN GENERAL.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with—

“(i) the United States Court of Appeals for the District of Columbia Circuit; or

“(ii) any other circuit in which the person resides or transacts business.

“(B) FILING DEADLINE.—A petition described in subparagraph (A) may only be filed within the 60-day period beginning on the date the order making the assessment was issued.

“(6) FAILURE TO PAY.—

“(A) IN GENERAL.—The Attorney General shall recover the amount assessed under a civil penalty (plus interest at prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5)(B) or the date of the final judgment, as appropriate) in an action brought in any appropriate district court of the United States if a person fails to pay the assessment—

“(i) after the order making the assessment becomes final, if the person does not file a petition for judicial review of the order in accordance with paragraph (5)(A); or

“(ii) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Secretary;

“(B) EXEMPTIONS FROM REVIEW.—In an action described in subparagraph (A), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

“(F) CITIZEN SUITS.—

“(1) IN GENERAL.—Except as provided in paragraph (3), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

“(A) a person who is alleged to have engaged in a violation of subsection (b) or (c); or

“(B) the Secretary in a case in which there is alleged a failure of the Secretary to perform any act or duty under subsection (b) or (c) that is not discretionary.

“(2) RELIEF.—In a civil action under paragraph (1), the district court involved may, as appropriate—

“(A) enforce the compliance of a person with the applicable provisions referred to paragraph (1)(A); or

“(B) order the Secretary to perform an act or duty referred to in paragraph (1)(B).

“(3) LIMITATIONS.—

“(A) NOTICE TO SECRETARY.—A civil action may not be commenced under paragraph (1)(A) prior to 60 days after the date on which the plaintiff provided to the Secretary notice of the violation involved.

“(B) RELATION TO ACTIONS OF SECRETARY.—

A civil action may not be commenced under paragraph (1)(B) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in paragraph (1)(A).

“(4) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under paragraph (1), the Secretary, if not a party, may intervene as a matter of right.

“(5) AWARD OF COSTS; FILING OF BOND.—

“(A) AWARD OF COSTS.—In a civil action under paragraph (1), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party in any case in which the court determines such an award is appropriate.

“(B) FILING OF BOND.—The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

“(6) SAVINGS PROVISION.—This subsection does not restrict any right that a person (or class of persons) may have under any statute or common law—

“(A) to seek enforcement of the provisions referred to in paragraph (1)(A); or

“(B) to seek any other relief (including relief against the Secretary).”

“(2) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(A) by striking “or” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting “; or”; and

(C) by adding at the end the following:

“(13) if it fails to bear a label or labeling as required by section 7A.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 180-day period beginning on the date of enactment of this Act.

SA 3526. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6023.

SA 3527. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6025 and insert the following:

SEC. 6025. HISTORIC BARN PRESERVATION.

Section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o) is amended—

(1) in subsection (c)(4)—

(A) by striking “There are” and inserting the following:

“(A) IN GENERAL.—There are”; and

(B) by adding at the end the following:

“(B) LIMITATION.—If, at any time during the 2-year period preceding the date on which funds are made available to carry out this section, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency—

“(i) none of the funds made available to carry out this section shall be used for the program under this section; and

“(ii) the funds made available to carry out this section shall be—

“(I) used to carry out programs that address the agricultural emergencies identified by Congress or the President; or

“(II) returned to the Treasury of the United States for debt reduction to offset the costs of the emergency agricultural spending.”; and

(2) by adding at the end the following:

“(d) REPEAL.—If, during each of 5 consecutive fiscal years, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency, this section is repealed.”

SA 3528. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7312 and insert the following:

SEC. 7312. NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

“SEC. 7. CONSTRUCTION OF A CHINESE GARDEN AT NATIONAL ARBORETUM.

“(a) IN GENERAL.—A Chinese Garden may be constructed at the National Arboretum established under this Act with—

- “(1) funds accepted under section 5; and
- “(2) authorities provided to the Secretary of Agriculture under section 6.

“(b) LIMITATION.—No Federal funds shall be used for the construction and maintenance of the Chinese Garden authorized under subsection (a).”

SA 3529. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XI, insert the following:

SEC. 11. DEPARTMENT OF AGRICULTURE CONFERENCE TRANSPARENCY.

(a) **REPORTS ON CONFERENCE EXPENDITURES.**—For fiscal year 2008 and each fiscal year thereafter, the Secretary shall submit to the Inspector General of the Department of Agriculture quarterly reports that describe the costs and contracting procedures relating to each conference or meeting held by the Department of Agriculture during the quarter covered by the report for which the cost to the Federal Government was more than \$20,000.

(b) **REQUIREMENTS.**—Each report submitted under subsection (a) shall include, for each conference and meeting covered by the report—

(1) a description of the number participants attending, and the purpose of those participants for attending, the conference or meeting;

(2) a detailed statement of the costs incurred by the Federal Government relating to that conference or meeting, including—

- (A) the cost of any food or beverages;
- (B) the cost of any audio-visual services;
- (C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the Department of Agriculture in evaluating potential contractors for any conference or meeting.

(c) TRAVEL EXPENSES.

(1) **DEFINITION OF CONFERENCE.**—In this subsection, the term “conference” means a meeting that—

(A) is held for consultation, education, awareness, or discussion;

(B) includes participants who are not all employees of the same agency;

(C) is not held entirely at an agency facility;

(D) involves costs associated with travel and lodging for some participants; and

(E) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of those agencies or organizations.

(2) **REPORT.**—Not later than September 30 of each fiscal year, the Secretary shall sub-

mit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the public website of the Department of Agriculture in a searchable, electronic format, a report on each conference for which the Department of Agriculture paid travel expenses during the fiscal year covered by the report, including—

- (A) a description of—

(i) the itemized expenses paid by the Department of Agriculture, including travel expenses and any other expenditures to support the conference;

(ii) the primary sponsor of the conference; and

- (iii) the location of the conference; and

(B) in the case of a conference for which the Department of Agriculture was the primary sponsor, a statement that—

- (i) justifies the location selected;

(ii) demonstrates the cost efficiency of the location;

- (iii) specifies the date or dates of the conference;

(iv) includes a brief explanation of the ways in which the conference advanced the mission of the Department of Agriculture; and

(v) specifies the total number of individuals whose travel or attendance at the conference was paid for, in whole or in part, by the Department of Agriculture.

(d) **LIMITATION ON FUNDING FOR CONFERENCES.**—Notwithstanding any other provision of this Act, not more than \$15,000,000 of amounts made available to the Secretary pursuant to this Act and the amendments made by this Act shall be used for expenses relating to conferences, including for conference programs, conference travel costs, and related expenses.

SA 3530. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XI, insert the following:

SEC. _____. PAYMENTS TO DECEASED INDIVIDUALS AND ESTATES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall not provide to any deceased individual or estate of such an individual any agricultural payment under this Act, or an Act amended by this Act, after the date that is 1 program year (as determined by the Secretary with respect to the applicable payment program) after the date of death of the individual.

(b) **REPORT.**—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the website of the Department of Agriculture, a report that describes, for the period covered by the report—

(1) the number and aggregate amount of agricultural payments described in subsection (a) provided to deceased individuals and estates of deceased individuals; and

(2) for each such payment, the length of time the estate of the deceased individual that received the payment has been open.

SA 3531. Mr. KOHL submitted an amendment intended to be proposed to

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

In section 1608(d), strike paragraph (2) and insert the following:

(2) **MEMBERS.**—As soon as practicable after the date on which funds are first made available to carry out this section—

(A) 2 members of the Commission shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking member of that committee;

(B) 2 members of the Commission shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking member of that committee;

(C) 10 members of the Commission shall be appointed by the Secretary;

(D) 2 members of the Commission shall be appointed by the Chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the House of Representatives, in consultation with the ranking member of that subcommittee; and

(E) 2 members of the Commission shall be appointed by the Chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Senate, in consultation with the ranking member of that subcommittee.

SA 3532. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, between lines 15 and 16, insert the following:

SEC. 9004. SENSE OF CONGRESS RELATING TO FUNDING OF RURAL ENERGY FOR AMERICA PROGRAM.

(a) **FINDINGS.**—The Congress finds that—

(1) the amount of mandatory funding made available under section 9007(j)(1) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) for fiscal years 2009 through 2012; and

(2) the amount authorized to be appropriated under section 9007(j)(2) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001).

SA 3533. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, between lines 15 and 16, insert the following:

SEC. 9004. SENSE OF CONGRESS RELATING TO FUNDING OF REGIONAL BIOMASS CROP EXPERIMENTS PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the amount of mandatory funding made available under section 9010(e)(1) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); and

(2) the amount authorized to be appropriated under section 9010(e)(2) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 9010 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001).

SA 3534. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, between lines 15 and 16, insert the following:

SEC. 9004. SENSE OF CONGRESS RELATING TO FUNDING OF SUN GRANT PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the amount of mandatory funding made available under section 9009(j)(1) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); and

(2) the amount authorized to be appropriated under section 9009(j)(2) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 9009 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001).

SA 3535. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, between lines 15 and 16, insert the following:

SEC. 9004. SENSE OF CONGRESS RELATING TO FUNDING OF BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

(a) FINDINGS.—The Congress finds that—

(1) the amount of mandatory funding made available under section 9008(h)(1) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); and

(2) the amount authorized to be appropriated under section 9008(h)(2) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 9008 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001).

SA 3536. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, between lines 4 and 5, insert the following:

SEC. 6404. SENSE OF CONGRESS RELATING TO FUNDING OF RURAL COLLABORATIVE INVESTMENT PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the amount of mandatory funding made available under section 385H(a) of the Consolidated Farm and Rural Development Act (as amended by section 6032) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); and

(2) the amount authorized to be appropriated under section 385H(c) of the Consolidated Farm and Rural Development Act (as amended by section 6032) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of subtitle I of the Consolidated Farm and Rural

Development Act (as amended by section 6032).

SA 3537. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, between lines 4 and 5, insert the following:

SEC. 6404. SENSE OF CONGRESS RELATING TO FUNDING OF RURAL MICROENTERPRISE ASSISTANCE PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the amount of mandatory funding made available under section 366(d)(1) of the Consolidated Farm and Rural Development Act (as added by section 6022) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) for fiscal years 2009 through 2012; and

(2) the amount authorized to be appropriated under section 366(d)(2) of the Consolidated Farm and Rural Development Act (as added by section 6022) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022).

SA 3538. Mr. AKAKA (for himself, Mr. KERRY, Mr. STEVENS, Mr. FEINGOLD, Mr. WYDEN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 11072. PROTECTION OF PETS.

(a) SHORT TITLE.—This section may be cited as the “Pet Safety and Protection Act of 2007”.

(b) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

“SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.

“(a) DEFINITION OF PERSON.—In this section, the term ‘person’ means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

“(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

“(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

“(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for

research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

“(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

“(2) a publicly owned and operated pound or shelter that—

“(A) is registered with the Secretary;

“(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

“(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

“(3) a person that is donating the dog or cat and that—

“(A) bred and raised the dog or cat; or

“(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

“(4) a research facility licensed by the Secretary; and

“(5) a Federal research facility licensed by the Secretary.

“(e) PENALTIES.—

“(1) IN GENERAL.—A person that violates this section shall be fined \$1,000 for each violation.

“(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty.

“(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.”.

(c) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking “SEC. 8. No department” and inserting the following:

SEC. 8. FEDERAL RESEARCH FACILITIES.

“Except as provided in section 7, no department”;

(2) by striking “research or experimentation or”; and

(3) by striking “such purposes” and inserting “that purpose”.

(d) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking “individual or entity” and inserting “research facility or Federal research facility”.

(e) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (d) take effect on the date that is 90 days after the date of enactment of this Act.

SA 3539. 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 end of subtitle B of title XI, insert the following:

SEC. 1107. TERMINATION OF AUTHORITY TO CONDUCT INSPECTIONS AND ISSUE REGULATIONS.

(a) TERMINATION OF AUTHORITY.—The authority to conduct inspections and issue regulations under the provisions of law described in subsection (b) shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are—

(1) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(2) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.); and

(4) chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.).

SA 3540. Mr. CASEY 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 266, between lines 10 and 11, insert the following:

SEC. 19. INSURANCE UNITS.

Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following:

“(11) INSURANCE UNITS.—In those areas in which optional units are only available by farm serial number, the Corporation shall allow separate optional units for each tract on the farm within a single farm serial number basis, as determined by the Secretary.”.

SA 3541. Mr. CRAIG (for himself, Mr. ALLARD, Mr. BROWNBACK) submitted an amendment intended to be proposed by him to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, lines 12 and 13, strike “subsection (e)” and insert “subsection (g)”.

On page 895, strike lines 16 through 19 and insert the following:

“(d) INITIAL IMPLEMENTATION.—To address the urgent security concerns of the United States with respect to public health, bioterrorism preparedness, and food supply security, in implementing the first phase of the veterinary medicine loan repayment program, the Secretary shall give priority to large and mixed animal practitioner shortages in rural communities.

“(e) USE OF FUNDS.—None of the funds appropriated to the Secretary under subsection (g) may be used to carry out section 5379 of title 5, United States Code.

“(f) REGULATIONS.—Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out this section.”.

SA 3542. Mr. DOMENICI (for himself and Mr. THUNE, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. GRASSLEY, Mr. CRAIG, Mr. SALAZAR, and Mr. COLEMAN) 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 title IX, add the following:

Subtitle B—Biofuels for Energy Security and Transportation

SEC. 9101. SHORT TITLE.

This subtitle may be cited as the “Biofuels for Energy Security and Transportation Act of 2007”.

SEC. 9102. DEFINITIONS.

In this subtitle:

(1) ADVANCED BIOFUEL.

(A) IN GENERAL.—The term “advanced biofuel” means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term “advanced biofuel” includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative

waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term “cellulosic biomass ethanol” means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term “conventional biofuel” means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term “renewable biomass” means—

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term “renewable fuel” means motor vehicle fuel or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle or furnace.

(B) INCLUSION.—The term “renewable fuel” includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(7) SMALL REFINERY.—The term “small refinery” means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar

year by the number of days in the calendar year) does not exceed 75,000 barrels.

PART I—RENEWABLE FUEL STANDARD

SEC. 9111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel and home heating oil sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities that commence operations after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016	3.0
2017	6.0
2018	9.0

Applicable volume of advanced biofuels (in billions of gallons):

Calendar year:

2019	12.0
2020	15.0
2021	18.0
2022	21.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—

Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to

all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used

during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 30 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(1) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARSHSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Presi-

dent for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) \$25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

SEC. 9112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term “facility” means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term “renewable energy” has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term “renewable energy” includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 911(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

SEC. 9113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies,

improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

PART II—RENEWABLE FUELS INFRASTRUCTURE

SEC. 9121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the “pilot program”), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than \$20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the

pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section \$200,000,000, to remain available until expended.

SEC. 9122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking “\$251,000,000” and inserting “\$377,000,000”; and

(2) in paragraph (3), by striking “\$274,000,000” and inserting “\$398,000,000”.

SEC. 9123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: “, including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts”.

SEC. 9124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

“(f) RENEWABLE FUEL FACILITIES.—

“(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 9102 of the Biofuels for Energy Security and Transportation Act of 2007).

“(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

“(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109-289, Public Law 110-5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

“(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

“(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed \$250,000,000 for a single facility.

“(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

“(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

“(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).”.

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) EXCLUSION.—The term ‘commercial technology’ does not include a technology if the sole use of the technology is in connection with—

“(i) a demonstration plant; or

“(ii) a project for which the Secretary approved a loan guarantee.”.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

“(1) IN GENERAL.—No guarantee shall be made unless—

“(A) an appropriation for the cost has been made; or

“(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

“(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

“(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).”.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

(c) AMOUNT.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

“(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 30 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.”.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

“(2) AVAILABILITY.—Fees collected under this subsection shall—

“(A) be deposited by the Secretary into a special fund in the Treasury to be known as the ‘Incentives For Innovative Technologies Fund’; and

“(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.”.

SEC. 9125. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2008 through 2010.

SEC. 9126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as “eligible entities”) to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 9127. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 9128. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 9129. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking “The Federal Trade Commission” and inserting the following:

“(1) IN GENERAL.—The Federal Trade Commission”; and

(2) by adding at the end the following:

“(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.”.

SEC. 9130. BIODIESEL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) REGULATIONS.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) NATIONAL BIODIESEL FUEL QUALITY STANDARD.

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

(2) ENFORCEMENT.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) FUNDING.—There are authorized to be appropriated to the President to carry out this section:

- (A) \$3,000,000 for fiscal year 2008.
- (B) \$3,000,000 for fiscal year 2009.
- (C) \$3,000,000 for fiscal year 2010.

SEC. 9131. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term “cellulosic crop” means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term “cellulosic refiner” means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term “cellulosic refinery” means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term “qualified cellulosic crop” means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 9132. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term “fuel emission baseline” means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 9122, there are authorized to be appropriated to carry out this section—

- (1) \$45,000,000 for fiscal year 2009;
- (2) \$50,000,000 for fiscal year 2010;
- (3) \$55,000,000 for fiscal year 2011;
- (4) \$60,000,000 for fiscal year 2012; and
- (5) \$65,000,000 for fiscal year 2013.

PART III—STUDIES

SEC. 9141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 9111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 9142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 9143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 9144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E-85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E-85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 9145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term “electric vehicle” means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 9111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 9111(d).

SEC. 9146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

SEC. 9147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Presi-

dent shall submit to Congress a report that describes the results of the study.

SEC. 9148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

SEC. 9149. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF-ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

SEC. 9150. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term “eligible institution” means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) STUDY.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and
(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000, to remain available until expended.

PART IV—ENVIRONMENTAL SAFEGUARDS

SEC. 9161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 9162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

“(t) STUDIES OF EFFECTS OF RENEWABLE FUEL USE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute deter-

mined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

“(2) MATTERS TO BE STUDIED.—

“(A) IN GENERAL.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

“(B) SPECIFIC MATTERS.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

“(i) in air and water quality and the quality of other natural resources;

“(ii) in land use patterns;

“(iii) in the rate of deforestation in the United States and globally;

“(iv) to greenhouse gas emissions;

“(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

“(vi) in the long-term capacity of the United States to produce biomass feedstocks.

“(C) BASELINE COMPARISON.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

“(3) REPORTS TO CONGRESS.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

“(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

“(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.”

SEC. 9163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking ‘‘nonroad vehicle (A) if in the judgment of the Administrator’’ and inserting ‘‘nonroad vehicle—

“(A) if, in the judgment of the Administrator, any fuel or fuel additive or’’;

(2) in subparagraph (A), by striking ‘‘air pollution which’’ and inserting ‘‘air pollution or water pollution (including any degradation in the quality of groundwater) that’’; and

(3) by striking ‘‘, or (B) if’’ and inserting the following: ‘‘; or

“(B) if’’.

SEC. 9164. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 9162) is amended by adding at the end the following:

“(u) PREVENTION OF AIR QUALITY DETERIORATION.—

“(1) STUDY.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine

emissions of air pollutants regulated under this Act.

“(B) CONSIDERATIONS.—The study shall include consideration of—

“(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

“(ii) appropriate national, regional, and local air quality control measures.

“(2) REGULATIONS.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

“(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

“(B) make a determination that no such measures are necessary.

“(3) OTHER REQUIREMENTS.—Nothing in the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supercedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.”

SA 3543. Ms. STABENOW (for herself, Mr. DOMENICI, Mr. CASEY, Mr. LEVIN, Mr. SANDERS, Mrs. BOXER, Mr. BINGAMAN, Mr. COLEMAN, and Mr. FEINGOLD)

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

At the appropriate place in title IV, insert the following:

SEC. _____. ELIGIBILITY OF ELDERLY PERSONS, WOMEN, INFANTS, AND CHILDREN UNDER THE COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended—

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

“(g) USE OF RESOURCES.—Each local agency shall use funds made available to the agency to provide assistance under the program to low-income elderly individuals, women, infants, and children in need of food assistance in accordance with such regulations as the Secretary may prescribe.”;

(2) in paragraphs (2) and (3) of subsection (h), by inserting ‘‘elderly individuals,’’ before ‘‘pregnant’’; and

(3) by adding at the end the following:

“(m) INCOME ELIGIBILITY STANDARDS.—

“(1) IN GENERAL.—The Secretary shall establish maximum income eligibility standards to be used in conjunction with such other risk criteria as may be appropriate in determining eligibility for the program.

“(2) CONFORMITY; MAXIMUM INCOME.—The income standards established under paragraph (1) shall—

“(A) be the same for all pregnant, postpartum, and breastfeeding women, for infants, for children, and for elderly individuals qualifying for the program; and

“(B) not exceed the maximum income limit prescribed under section 17(d)(2)(A)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(A)(i)).”