

**SEC. 3. METHOD OF ACCESS.**

(a) CRS INFORMATION.—Public access to Congressional Research Service information made available under section 2 shall be provided through the websites maintained by Members and Committees of the Senate.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE.—The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the information made available on the Internet under section 2.

**SEC. 4. IMPLEMENTATION.**

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 3824. Ms. STABENOW (for herself and Mr. COCHRAN) 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.

SA 3825. Mr. GREGG proposed an amendment to amendment SA 3673 proposed by Mr. GREGG 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 3826. Mr. SANDERS proposed an amendment to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) 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 3827. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3828. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3674 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3829. Mr. REID (for Mrs. CLINTON) 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 3830. Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) 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 3831. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 793, to provide for the expansion and improvement of traumatic brain injury programs.

### TEXT OF AMENDMENTS

**SA 3824.** Ms. STABENOW (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs

through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 11072. DEBT FOR CONSERVATION PROGRAM.**

Section 349 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1997) is amended—

(1) by striking “SEC. 349. (a) For purposes of this section:” and inserting the following:

**“SEC. 349. DEBT FOR CONSERVATION PROGRAM.**

“(a) DEFINITIONS.—In this section:”;

(2) in subsection (a)(4), by inserting “, fishing, and wildlife viewing” after “includes hunting”;

(3) in subsection (c)—

(A) in the heading, by striking “LIMITATIONS” and inserting “ELIGIBILITY”; and

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

“(1) such property—

“(A) is wetland, upland, or highly erodible land; or

“(B) subject to the availability of appropriated funds, will be enrolled in—

“(i) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

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

“(iii) the healthy forests reserve program established under subchapter D of chapter 1 of subtitle D of title XII of the Food Security Act of 1985;”;

(4) in subsection (e)(2), by striking subparagraph (B) and inserting the following:

“(B) in the case of a nondelinquent loan—

“(i) 33 percent of the amount of the loan secured by the land; or

“(ii) if the loan is secured by an easement on the land, 50 percent of the amount of the outstanding loan.”;

(5) by redesignating subsections (f) and (g) as (g) and (h), respectively;

(6) by inserting after subsection (e) the following:

“(f) LIMITATIONS; EFFECT.—

“(1) REDUCTION OF PAYMENT.—If a landowner receives payments in accordance with a program described in subsection (c)(1)(B), such payment shall be reduced by the amount of the debt reduced or forgiven by the Secretary in accordance with the program under this section.

“(2) EFFECT WITH RESPECT TO CERTAIN PROGRAMS.—Landowners in the program under this section shall be considered by the Secretary as other enrollees for each program described in subsection (c)(1)(B).”;

(7) by adding at the end the following:

“(h) REGULATIONS.—As soon as practicable after the date of enactment of this subsection, the Secretary shall promulgate regulations to ensure communication between the Administrator of the Farm Service Agency and the Chief of the Natural Resources Conservation Service to promote and carry out the program under this section.”.

**SA 3825.** Mr. GREGG proposed an amendment to amendment SA 3673 proposed by Mr. GREGG 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 title shall take effect 1 day after the date of enactment.”

**SA 3826.** Mr. SANDERS proposed an amendment to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) 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:

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

### Subtitle A—Low-Income Home Energy Assistance

**SEC. 12101. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.**

(a) IN GENERAL.—In addition to any amounts appropriated under any other Federal law, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2008—

(1) \$462,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) \$462,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) EMERGENCY REQUIREMENT.—The amount provided under this section is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

**SEC. 12102. SUPPLEMENTAL AGRICULTURE DISASTER ASSISTANCE.**

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

### “TITLE IX—SUPPLEMENTAL AGRICULTURE DISASTER ASSISTANCE

**“SEC. 901. PERMANENT AUTHORITY FOR SUPPLEMENTAL REVENUE ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

“(1) ACTUAL PRODUCTION HISTORY YIELD.—The term ‘actual production history yield’ means the weighted average actual production history for each insurable commodity or noninsurable commodity, as calculated under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop disaster assistance program, respectively.

“(2) COUNTER-CYCICAL PROGRAM PAYMENT YIELD.—The term ‘counter-cyclical program payment yield’ means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

“(3) DISASTER COUNTY.—

“(A) IN GENERAL.—The term ‘disaster county’ means a county included in the geographic area covered by a qualifying natural disaster declaration.

“(B) INCLUSION.—The term ‘disaster county’ includes—

“(i) a county contiguous to a county described in subparagraph (A); and

“(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

“(4) ELIGIBLE PRODUCER ON A FARM.—

“(A) IN GENERAL.—The term ‘eligible producer on a farm’ means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

“(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

“(i) a citizen of the United States;

“(ii) a resident alien;

“(iii) a partnership of citizens of the United States; or

“(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

“(5) FARM.—

“(A) IN GENERAL.—The term ‘farm’ means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that—

“(i) is used for grazing by the eligible producer; or

“(ii) is planted or intended to be planted for harvest by the eligible producer.

“(B) AQUACULTURE.—In the case of aquaculture, the term ‘farm’ means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

“(C) HONEY.—In the case of honey, the term ‘farm’ means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

“(6) FARM-RAISED FISH.—The term ‘farm-raised fish’ means any aquatic species (including any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant) that is propagated and reared in a controlled or semicontrolled environment.

“(7) INSURABLE COMMODITY.—The term ‘insurable commodity’ means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

“(8) LIVESTOCK.—The term ‘livestock’ includes—

“(A) cattle (including dairy cattle);

“(B) bison;

“(C) poultry;

“(D) sheep;

“(E) swine;

“(F) horses; and

“(G) other livestock, as determined by the Secretary.

“(9) MOVING 5-YEAR OLYMPIC AVERAGE COUNTY YIELD.—The term ‘moving 5-year Olympic average county yield’ means the weighted average yield obtained from the 5 most recent years of yield data provided by the National Agriculture Statistics Service obtained from data after dropping the highest and the lowest yields.

“(10) NONINSURABLE COMMODITY.—The term ‘noninsurable commodity’ means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

“(11) NONINSURED CROP ASSISTANCE PROGRAM.—The term ‘noninsured crop assistance program’ means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

“(12) QUALIFYING NATURAL DISASTER DECLARATION.—The term ‘qualifying natural disaster declaration’ means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(14) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico; and

“(D) any other territory or possession of the United States.

“(15) TRUST FUND.—The term ‘Trust Fund’ means the Agriculture Disaster Relief Trust Fund established under section 902.

“(16) UNITED STATES.—The term ‘United States’ when used in a geographical sense, means all of the States.

“(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

“(2) AMOUNT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 52 percent of the difference between—

“(i) the disaster assistance program guarantee, as described in paragraph (3); and

“(ii) the total farm revenue for a farm, as described in paragraph (4).

“(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

“(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

“(i) for each insurable commodity on the farm, the product obtained by multiplying—

“(I) the greatest of—

“(aa) the actual production history yield;

“(bb) 90 percent of the moving 5-year Olympic average county yield; and

“(cc) the counter-cyclical program payment yield for each crop;

“(II) the percentage of the crop insurance yield guarantee;

“(III) the percentage of crop insurance price elected by the eligible producer;

“(IV) the crop insurance price; and

“(V) 115 percent; and

“(ii) for each noninsurable commodity on a farm, the product obtained by multiplying—

“(I) the weighted noninsured crop assistance program yield guarantee;

“(II) except as provided in subparagraph (B), 100 percent of the noninsured crop assistance program established price; and

“(III) 115 percent.

“(B) SUPPLEMENTAL BUY-UP NONINSURED ASSISTANCE PROGRAM.—Beginning on the date that the Secretary makes available supplemental buy-up coverage under the noninsured assistance program in accordance with subsection (h), the percentage described in subclause (II) of subparagraph (A)(ii) shall be equal to the percentage of the noninsured assistance program price guarantee elected by the producer.

“(C) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

“(D) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of prevented harvesting, the adjusted assistance level shall be the

basis for determining the disaster assistance program guarantee for the noninsurable commodity.

“(E) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

“(F) PUBLIC MANAGED LAND.—Notwithstanding subparagraph (A), if rangeland is managed by a Federal agency and the carrying capacity of the managed rangeland is reduced as a result of a disaster in the preceding year that was the basis for a qualifying natural disaster declaration—

“(i) the calculation for the supplemental assistance program guarantee determined under subparagraph (A) as the guarantee applies to the managed rangeland shall be not less than 75 percent of the guarantee for the preceding year; and

“(ii) the requirement for a designation by the Secretary for the current year is waived.

“(4) FARM REVENUE.—

“(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

“(i) the estimated actual value for grazing and for each crop produced on a farm by using the product obtained by multiplying—

“(I) the actual crop acreage grazed or harvested by an eligible producer on a farm;

“(II) the estimated actual yield of the grazing land or crop production; and

“(III) subject to subparagraphs (B) and (C), the average market price received or value of the production during the first 5 months of the marketing year for the county in which the farm or portion of a farm is located;

“(ii) 20 percent of amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section;

“(iii) the amount of payments for prevented planting on a farm;

“(iv) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm, including indemnities for grazing losses;

“(v) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm, including grazing losses; and

“(vi) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

“(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

“(i) to reflect the average quality discounts applied to the local or regional market price of a crop, hay, or forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

“(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

“(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the average market price received or value of the production during the first 5 months of the marketing year for the county in which the farm or portion of a farm is located shall be an amount not more than 100 percent of the price of the crop established

under the noninsured crop assistance program.

“(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

“(A) the expected value of grazing;

“(B) the product obtained by multiplying—

“(i) the greatest of—

“(I) the actual production history yield of the eligible producer on a farm;

“(II) the moving 5-year Olympic average county yield; and

“(III) the counter-cyclical program payment yield;

“(ii) the acreage planted or intended to be planted for each crop; and

“(iii) 100 percent of the insurance price guarantee; and

“(C) the product obtained by multiplying—

“(i) 100 percent of the noninsured crop assistance program yield; and

“(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

“(c) LIVESTOCK INDEMNITY PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

“(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

“(d) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

“(1) IN GENERAL.—The Secretary shall use up to \$35,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to adverse weather or other environmental conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under the authority of the Secretary to make qualifying natural disaster declarations.

“(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

“(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection and not used in a crop year shall remain available until expended.

“(e) TREE ASSISTANCE PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE ORCHARDIST.—The term ‘eligible orchardist’ means a person that—

“(i) produces annual crops from trees for commercial purposes; or

“(ii) produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale.

“(B) NATURAL DISASTER.—The term ‘natural disaster’ means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

“(C) TREE.—The term ‘tree’ includes a tree, bush, and vine.

“(2) ELIGIBILITY.—

“(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance under paragraph (3) to eligible orchardists that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

“(B) LIMITATION.—An eligible orchardist shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

“(3) ASSISTANCE.—The assistance provided by the Secretary to eligible orchardists for losses described in paragraph (2) shall consist of—

“(A)(i) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

“(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

“(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

“(f) PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.—

“(1) DEFINITIONS.—In this subsection:

“(A) EARLY PLANT PEST DETECTION AND SURVEILLANCE.—The term ‘early plant pest detection and surveillance’ means the full range of activities undertaken to find newly introduced plant pests, whether the plant pests are new to the United States or new to certain areas of the United States, before—

“(i) the plant pests become established; or

“(ii) the plant pest infestations become too large and costly to eradicate or control.

“(B) PLANT PEST.—The term ‘plant pest’ has the meaning given such term in section 403 of the Plant Protection Act (7 U.S.C. 7702).

“(C) SPECIALTY CROP.—The term ‘specialty crop’ has the meaning given the term in section 3 of the Specialty Crops Competitive-ness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465).

“(D) STATE DEPARTMENT OF AGRICULTURE.—The term ‘State department of agriculture’ means an agency of a State that has a legal responsibility to perform early plant pest detection and surveillance activities.

“(2) EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

“(A) COOPERATIVE AGREEMENTS.—The Secretary shall enter into a cooperative agreement with each State department of agriculture that agrees to conduct early plant pest detection and surveillance activities.

“(B) CONSULTATION.—In carrying out this paragraph, the Secretary shall consult with—

“(i) the National Plant Board;

“(ii) the National Association of State Departments of Agriculture; and

“(iii) stakeholders.

“(C) FUNDS UNDER AGREEMENTS.—Each State department of agriculture with which the Secretary enters into a cooperative agreement under this paragraph shall receive funding for each of fiscal years 2008 through 2012 in an amount to be determined by the Secretary.

“(D) USE OF FUNDS.—

“(1) PLANT PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this paragraph shall use the funds to carry out early plant pest detection and surveillance activities to prevent the introduction of a plant pest or facilitate the eradication of a plant pest, pursuant to a cooperative agreement.

“(2) SUBAGREEMENTS.—Nothing in this paragraph prevents a State department of agriculture from using funds received under

subparagraph (C) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

“(iii) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a cooperative agreement under this section may be provided in-kind, including through provision of such indirect costs of the cooperative agreement as the Secretary considers to be appropriate.

“(E) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide funds to a State department of agriculture if the Secretary determines that—

“(i) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests; and

“(ii) the early plant pest detection and surveillance activities supported with the funds will likely—

“(I) prevent the introduction and establishment of plant pests; and

“(II) provide a comprehensive approach to complement Federal detection efforts.

“(F) REPORTING REQUIREMENT.—Not later than 180 days after the date of completion of an early plant pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this subsection, the State department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

“(3) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

“(A) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the ‘Secretary’), shall establish a threat identification and mitigation program to determine and prioritize foreign threats to the domestic production of crops.

“(B) REQUIREMENTS.—In conducting the program established under subparagraph (A), the Secretary shall—

“(i) consult with the Director of the Center for Plant Health Science and Technology;

“(ii) conduct, in partnership with States, early plant pest detection and surveillance activities;

“(iii) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;

“(iv) collaborate with the National Plant Board on the matters described in subparagraph (C);

“(v) implement action plans developed under subparagraph (C)(ii)(I) immediately after development of the action plans—

“(I) to test the effectiveness of the action plans; and

“(II) to assist in preventing the introduction and widespread dissemination of new foreign and domestic plant pest and disease threats in the United States; and

“(vi) as appropriate, consult with, and use the expertise of, the Administrator of the Agricultural Research Service in the development of plant pest and disease detection, control, and eradication strategies.

“(C) MATTERS DESCRIBED.—The matters described in this subparagraph are—

“(i) the prioritization of foreign threats to the agricultural industry; and

“(ii) the development, in consultation with State departments of agriculture and other State or regional resource partnerships, of—

“(I) action plans that effectively address the foreign threats, including pathway analysis, offshore mitigation measures, and comprehensive exclusion measures at ports of entry and other key distribution centers; and

“(II) strategies to employ if a foreign plant pest or disease is introduced;

“(D) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall update and submit to Congress the priority list and action plans described in subparagraph (C), including an accounting of funds expended on the action plans.

“(4) SPECIALTY CROP CERTIFICATION AND RISK MANAGEMENT SYSTEMS.—The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of—

“(A) audit-based certification systems, such as best management practices—

“(i) to address plant pests; and

“(ii) to mitigate the risk of plant pests in the movement of plants and plant products; and

“(B) nursery plant pest risk management systems, in collaboration with the nursery industry, research institutions, and other appropriate entities—

“(i) to enable growers to identify and prioritize nursery plant pests and diseases of regulatory significance; and

“(ii) to prevent the introduction, establishment, and spread of those plant pests and diseases; and

“(iii) to reduce the risk of, mitigate, and eradicate those plant pests and diseases.

“(5) FUNDING.—The Secretary shall use from the Trust Fund to carry out this subsection—

“(A) \$10,000,000 for fiscal year 2008;

“(B) \$25,000,000 for fiscal year 2009;

“(C) \$40,000,000 for fiscal year 2010;

“(D) \$50,000,000 for fiscal year 2011; and

“(E) \$64,000,000 for fiscal year 2012.

“(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the eligible producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the eligible producers on the farm—

“(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act) for the crop incurring the losses; or

“(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under the noninsured crop assistance program for the crop incurring the losses.

“(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

“(3) WAIVER.—With respect to eligible producers that are limited resource, minority, or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

“(A) waive paragraph (1); and

“(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

“(4) EQUITABLE RELIEF.—The Secretary may provide equitable relief to eligible producers on a farm that unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

“(h) SUPPLEMENTAL BUY-UP NONINSURED ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a program under which eligible producers on a farm may purchase under the noninsured crop assistance program additional yield and price coverage for a crop, including a forage, hay, or honey crop, of—

“(A) 60 or 65 percent (as elected by the producers on the farm) of the yield established for the crop under the program; and

“(B) 100 percent of the price established for the crop under the program.

“(2) FEES.—The Secretary shall establish and collect fees from eligible producers on a farm participating in the program established under paragraph (1) to offset all of the costs of the program, as determined by the Secretary.

“(i) PAYMENT LIMITATIONS.—

“(1) IN GENERAL.—The total amount of disaster assistance that an eligible producer on a farm may receive under this section may not exceed \$100,000.

“(2) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a or any successor provision) shall apply with respect to assistance provided under this section.

“(j) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2012, as determined by the Secretary.

#### “SEC. 902. AGRICULTURE DISASTER RELIEF TRUST FUND.

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Agriculture Disaster Relief Trust Fund’, consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

“(b) TRANSFER TO TRUST FUND.—

“(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

“(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Agriculture Disaster Relief Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(c) ADMINISTRATION.—

“(1) REPORTS.—The Secretary of the Treasury shall be the trustee of the Agriculture Disaster Relief Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

“(2) INVESTMENT.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Agriculture Disaster Relief Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

“(i) on original issue at the issue price, or

“(ii) by purchase of outstanding obligations at the market price.

“(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Agriculture Disaster Relief Trust Fund may be sold by the Secretary of the Treasury at the market price.

“(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Agriculture Disaster Relief Trust Fund shall be credited to and form a part of such Trust Fund.

“(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Agriculture Disaster Relief Trust Fund shall be available for the purposes of making expenditures to meet those obligations of the United States incurred under section 901.

“(e) AUTHORITY TO BORROW.—

“(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Agriculture Disaster Relief Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

“(2) REPAYMENT OF ADVANCES.—

“(A) IN GENERAL.—Advances made to the Agriculture Disaster Relief Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

“(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

“(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

“(ii) compounded annually.”

(b) TECHNICAL PROVISIONS RELATING TO THE PLANT PROTECTION ACT.—

(1) Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking “of longer than 60 days”.

(2) Congress disapproves the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (68 Fed. Reg. 40541 (2003)), and such rule shall have no force or effect.

**SA 3827.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### **SEC. 12103. EMERGENCY SERVICE ROUTE.**

Section 1948 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1514) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Notwithstanding”; and

(2) by adding at the end the following:

“(b) EFFECTIVE DATE.—This section takes effect if and only on the date on which the Secretary of Energy certifies to Congress that the section will not negatively impact the supply or availability of heating fuel, or increase the cost of heating fuel, for consumers in the Northeastern United States



during the 10-year period beginning on the date of the certification.<sup>1</sup>.

**SA 3828.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3674 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

**SEC. \_\_\_\_\_. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.**

Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a residential property casualty loss resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. Any increase in Federal income tax resulting from such disallowance shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of such amended return.

**SA 3829.** Mr. REID (for Mrs. CLINTON) 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 868, between lines 15 and 16, insert the following:

**SEC. 6. COMPREHENSIVE RURAL BROADBAND.**

(a) COMPREHENSIVE RURAL BROADBAND STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to the Committees on Energy and Commerce and Agriculture of the House of Representatives and the Committees on Commerce, Science, and Transportation and Agriculture, Nutrition, and Forestry of the Senate a report describing a comprehensive rural broadband strategy that includes—

(A) recommendations—

(i) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the policies, programs, and services;

(ii) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

(iii) to address both short- and long-term solutions and needs assessments for a rapid build-out of rural broadband solutions and applications for Federal, State, regional, and local government policy makers; and

(iv) to identify how specific Federal agency programs and resources can best respond to

rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(B) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

(2) UPDATES.—The Chairman of the Federal Communications Commission, in coordination with the Secretary shall update and evaluate the report described in paragraph (1) on an annual basis.

(b) RURAL BROADBAND.—Section 306(a)(20)(E) of the Consolidated Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended by striking “dial-up Internet access or”.

**SA 3830.** Mr. HARKIN (for himself, Mr. KENNEDY and Mr. GREGG) 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:

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

**Subtitle \_\_\_\_—Public Safety Officers**

**SEC. \_\_\_\_\_. 1. SHORT TITLE.**

This subtitle may be cited as the “Public Safety Employer-Employee Cooperation Act of 2007”.

**SEC. \_\_\_\_\_. 2. DECLARATION OF PURPOSE AND POLICY.**

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the mo-

rale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

**SEC. \_\_\_\_\_. 3. DEFINITIONS.**

In this subtitle:

(1) AUTHORITY.—The term “Authority” means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term “emergency medical services personnel” means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms “employer” and “public safety agency” mean any State, or political subdivision of a State, that employs public safety officers.

(4) FIREFIGHTER.—The term “firefighter” has the meaning given the term “employee engaged in fire protection activities” in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term “labor organization” means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(7) MANAGEMENT EMPLOYEE.—The term “management employee” has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PERSON.—The term “person” means an individual or a labor organization.

(9) PUBLIC SAFETY OFFICER.—The term “public safety officer”—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(10) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(11) SUBSTANTIALLY PROVIDES.—The term “substantially provides” means compliance with the essential requirements of this subtitle, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact-finding.

(12) SUPERVISORY EMPLOYEE.—The term “supervisory employee” has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

**SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.**

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority

under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this subtitle.

**SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this subtitle and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this subtitle, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

**SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.**

(a) PROHIBITION.—An employer, public safety officer, or labor organization may not en-

gage in a lockout, sickout, work slowdown, strike, or any other action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) MANDATORY TERMS AND CONDITIONS.—It shall not be a violation of subsection (a) for a public safety officer or labor organization to refuse to carry out services that are not required under the mandatory terms and conditions of employment applicable to the public safety officer or labor organization.

**SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.**

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this subtitle shall not be invalidated by the enactment of this subtitle.

**SEC. 8. CONSTRUCTION AND COMPLIANCE.**

(a) CONSTRUCTION.—Nothing in this subtitle shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section 4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this subtitle a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) solely because such law does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term "employee" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to require a State to rescind or preempt the laws or ordinances of any of its political subdivisions if such laws provide rights and responsibilities for public safety officers that are

comparable to or greater than the rights and responsibilities described in section 4(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4(b);

(B) the laws or ordinance of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) with respect to certain categories of public safety officers covered by this subtitle solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this subtitle; or

(C) the laws or ordinances of any State or political subdivision of a State that provides for the rights and responsibilities described in section 4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of this subtitle, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this subtitle with respect to employees of a State or political subdivision of a State.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle.

**SA 3831.** Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 793, to provide for the expansion and improvement of traumatic brain injury programs; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Reauthorization of the Traumatic Brain Injury Act".

#### SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b-1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b-1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b-1d) relating to traumatic brain injury registries, as section 393C.

#### SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b-1b) is amended by striking "from hospitals and trauma centers" and inserting "from hospitals and emergency departments".

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

(1) in the section heading, by inserting "SURVEILLANCE AND" after "NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY"; and

(2) in subsection (a), in the matter preceding paragraph (1), by striking "may make grants" and all that follows through "to collect data concerning—" and inserting "may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—".

(c) REPORT.—Section 393C of the Public Health Service Act (as so redesignated) is amended by adding at the end the following:

"(b) Not later than 18 months after the date of enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit to the relevant committees of Congress a report that contains the findings derived from an evaluation concerning activities and procedures that can be implemented by the Centers for Disease Control and Prevention, the Department of Defense, and the Department of Veterans Affairs to improve the collection and dissemination of compatible epidemiological studies on the incidence and prevalence of traumatic brain injury in the military and veterans populations who return to civilian life. The report shall include recommendations on the manner in which such agencies can further collaborate on the development and improvement of traumatic brain injury diagnostic tools and treatments."

#### SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C the following:

##### "SEC. 393C-1. STUDY ON TRAUMATIC BRAIN INJURY.

"(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and in consultation with the Director of the National Institutes of Health and other appropriate entities with respect to paragraphs (2), (3), and (4), may conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

"(1) In collaboration with appropriate State and local health-related agencies—

"(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

"(B) reporting national trends in traumatic brain injury.

"(2) Identifying common therapeutic interventions which are used for the rehabilita-

tion of individuals with such injuries, and, subject to the availability of information, including an analysis of—

"(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

"(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

"(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

"(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

"(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

"(b) DATES CERTAIN FOR REPORTS.—If the study is conducted under subsection (a), the Secretary shall, not later than 3 years after the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act, submit to Congress a report describing findings made as a result of carrying out such subsection (a).

"(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma including near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary."

#### SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (b)(2), by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions";

(2) in subparagraph (D) of subsection (d)(4), by striking "head brain injury" and inserting "brain injury"; and

(3) in subsection (i), by inserting "and such sums as may be necessary for each of fiscal years 2008 through 2011" before the period at the end.

#### SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d-52) is amended—

(1) in subsection (a)—

(A) by striking "may make grants to States" and inserting "may make grants to States and American Indian consortia"; and

(B) by striking "health and other services" and inserting "rehabilitation and other services";

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term "State" each place such term appears and inserting the term "State or American Indian consortium"; and

(B) in paragraph (2), by striking "recommendations to the State" and inserting "recommendations to the State or American Indian consortium";

(3) in subsection (c), by striking the term "State" each place such term appears and inserting "State or American Indian consortium";

(4) in subsection (e), by striking “A State that received” and all that follows through the period and inserting “A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act may complete the activities funded by the grant.”;

(5) in subsection (f)—

(A) in the subsection heading, by inserting “AND AMERICAN INDIAN CONSORTIUM” after “STATE”;

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term “State” each place such term appears and inserting “State or American Indian consortium”;

(C) in clause (ii) of paragraph (1)(A), by striking “children and other individuals” and inserting “children, youth, and adults”; and

(D) in subsection (h)—

(i) by striking “Not later than 2 years after the date of the enactment of this section, the Secretary” and inserting “Not less than biennially, the Secretary”;

(ii) by striking “Commerce of the House of Representatives, and to the Committee on Labor and Human Resources” and inserting “Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions”; and

(iii) by inserting “and section 1253” after “programs established under this section.”;

(6) by amending subsection (i) to read as follows:

“(1) DEFINITIONS.—For purposes of this section:

“(1) The terms ‘American Indian consortium’ and ‘State’ have the meanings given to those terms in section 1253.

“(2) The term ‘traumatic brain injury’ means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities.”; and

(7) in subsection (j), by inserting “, and such sums as may be necessary for each of the fiscal years 2008 through 2011” before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d-53) is amended—

(1) in subsections (d) and (e), by striking the term “subsection (i)” each place such term appears and inserting “subsection (l)”;

(2) in subsection (g), by inserting “each fiscal year not later than October 1,” before “the Administrator shall pay”;

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

“(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

“(j) TRAINING AND TECHNICAL ASSISTANCE.—

“(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is \$6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national associa-

tion for providing for training and technical assistance to protection and advocacy systems.

“(2) DEFINITION.—In this subsection, the term ‘eligible national association’ means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

“(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.”; and

(5) in subsection (l) (as redesignated by this subsection) by striking “2005” and inserting “2011”.

#### SEC. 7. GAO STUDY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding members of the armed forces who have acquired a disability resulting from a traumatic brain injury incurred while serving in Operation Enduring Freedom and Operation Iraqi Freedom. Such study shall examine how these individuals are being reintegrated into their communities, including—

(1) what is known about this population; and

(2) what challenges they may face in returning to their communities, such as accessing employment, housing, transportation, and community care programs, and coordinating benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans’ Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Veterans’ Affairs and the Committee on Education and the Workforce of the House of Representatives, a report summarizing the results of the study conducted under subsection (a).

### NOTICE OF HEARING

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

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

The hearing will be held on Tuesday, December 18, 2007, at 10:30 a.m., in room SD366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Jon Wellenhoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission, for the term expiring June 30, 2013.

For further information, please contact Sam Fowler at (202) 224-7571 or Rosemarie Calabro at (202) 224-5039.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Re-

sources be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 2:30 p.m., in room SD366 of the Dirksen Senate Office Building in order to conduct a hearing. At this hearing, the committee will hear testimony regarding the Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act.

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

#### COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on S. 1673, the Promoting American Agricultural and Medical Exports to Cuba Act of 2007.

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

#### COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 2:30 p.m. in order to hold a classified briefing on Iran.

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

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled “Meeting the Global Challenge of AIDS, TB, and Malaria,” during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m. in room 325 of the Russell Senate Office Building.

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

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m. in order to conduct a hearing entitled “E-Government 2.0: Improving Innovation, Collaboration, and Access.”

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

#### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Homeland Security and Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m., in order to conduct a hearing entitled, “Speculation in the Crude Oil Market.”

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select