

bill S. 3240, supra; which was ordered to lie on the table.

SA 2184. Mr. WYDEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2185. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2186. Mr. COBURN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2187. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2188. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2189. Mr. JOHNSON, of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2156. Mrs. GILLIBRAND (for herself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. REED, Mr. WYDEN, Mrs. BOXER, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 9 and all that follows through the end of page 313.

On page 361, strike lines 1 through 8 and insert the following:

SEC. 4207. PURCHASE OF COMMODITIES BY COMMODITY CREDIT CORPORATION.

When the Secretary considers the purchasing of commodities by the Commodity Credit Corporation or under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), in addition to other appropriate considerations, the Secretary may consider the needs of the States and the demands placed on emergency feeding organizations.

SEC. 4208. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(i)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) **MANDATORY FUNDING.**—In addition to any other amounts made available to carry out this section, on October 1, 2012, and on each October 1 thereafter through October 1, 2021, out of any funds in the Treasury not otherwise appropriated, the Secretary of the

Treasury shall transfer to the Secretary to carry out this section \$50,000,000, to remain available until expended.”.

On page 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON DELIVERY EXPENSES AND REDUCED RATE OF RETURN.

(a) **ANNUAL LIMITATION ON DELIVERY EXPENSES.**—Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

“(G) **ANNUAL LIMITATION ON DELIVERY EXPENSES.**—Beginning with the 2014 reinsurance year, the amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed \$825,000,000 per year.”.

(b) **REDUCED RATE OF RETURN.**—Section 508(k)(8) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(8)) (as amended by section 11010) is amended by adding at the end the following:

“(G) **REDUCED RATE OF RETURN.**—Beginning with the 2014 reinsurance year, the Standard Reinsurance Agreement shall be adjusted to ensure a projected rate of return for the approved insurance producers not to exceed 12 percent, as determined by the Corporation.”.

SA 2157. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. SUPPORT FOR STATE AND TRIBAL GOVERNMENT EFFORTS TO PROMOTE DOMESTIC MAPLE SYRUP INDUSTRY.

(a) **GRANTS AUTHORIZED; AUTHORIZED ACTIVITIES.**—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of tree in the genus *Acer*—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) **APPLICATIONS.**—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to

achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(c) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(d) **DEFINITION OF MAPLE SUGARING.**—In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus *Acer* for the purpose of boiling to produce food.

(e) **REGULATIONS.**—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2012 through 2015.

SA 2158. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Milk Import Tariff Equity

SEC. 3301. SHORT TITLE.

This subtitle may be cited as the “Milk Import Tariff Equity Act”.

SEC. 3302. IMPOSITION OF TARIFF-RATE QUOTAS ON CERTAIN CASEIN AND MILK CONCENTRATES.

(a) **CASEIN AND CASEIN PRODUCTS.**—

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

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

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

(C) by adding at the end the following new Note:

“2. The aggregate quantity of casein, caseinates, milk protein concentrate, and other casein derivatives entered under subheadings 3501.10.15, 3501.10.65, and 3501.90.65 in any calendar year shall not exceed 55,477,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”.

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

3501.10	Casein:			
	Milk protein concentrate:			
3501.10.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PE, SG) 0.2¢/kg (AU)	12¢/kg
3501.10.15	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, OM, P, PE, SG) 0.2¢/kg (AU)	12¢/kg
3501.10.20	Other	\$2.16/kg	Free (MX)	\$2.81/kg
	Other:			
3501.10.55	Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	Free		Free
	Other:			
3501.10.60	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PE, SG) 0.2¢/kg (AU)	12¢/kg
3501.10.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, OM, P, PE, SG) 0.2¢/kg (AU)	12¢/kg
3501.10.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg
3501.90	Other:			
3501.90.05	Casein glues	6%	Free (A, AU, BH, CA, CL, CO, E, IL, J, JO, MA, MX, OM, P, PE, SG) 4.8% (KR)	30%
	Other:			
3501.90.30	Suitable only for industrial uses other than the manufacture of food for humans or other animals or as ingredients in such food	6%	Free (A, AU, BH, CA, CL, CO, E, IL, J, JO, MA, MX, OM, P, PE, SG) 4.8% (KR)	30%
	Other:			
3501.90.55	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PE, SG) 0.2¢/kg (AU)	12.1¢/kg
3501.90.65	Described in additional U.S. note 2 to this chapter and entered according to its provisions	0.37¢/kg	Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, OM, P, PE, SG) 0.2¢/kg (AU)	12.1¢/kg
3501.90.70	Other	\$2.16/kg	Free (MX)	\$2.81/kg

(b) MILK PROTEIN CONCENTRATES.—
 (1) IN GENERAL.—The Additional U.S. Notes to chapter 4 of the Harmonized Tariff Schedule of the United States are amended—
 (A) in Note 13, by striking “subheading 0404.90.10” and inserting “subheadings 0404.90.05, 0404.90.15, and 0404.90.20”; and
 (B) by adding at the end the following new Note:
 “27. The aggregate quantity of milk protein concentrates entered under subheading

0404.90.15 in any calendar year shall not exceed 18,488,000 kilograms. Articles the product of Mexico shall not be permitted or included under this quantitative limitation and no such article shall be classifiable therein.”
 (2) RATES FOR CERTAIN MILK PROTEIN CONCENTRATES.—Chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 0404.90 through 0404.90.10 and inserting the following

new subheadings, with the article description for subheading 0404.90 having the same degree of indentation as the article description for subheading 0404.10 and with the article descriptions for subheadings 0404.90.05, 0404.90.15, and 0404.90.20 having the same degree of indentation as the article description for subheading 0405.20.40:

0404.90	Other:				
	Milk protein concentrates:				
0404.90.05	Described in general note 15 of the tariff schedule and entered pursuant to its provisions	0.37¢/kg	Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, MX, OM, P, PE, SG) 0.2¢/kg (AU)	12¢/kg	
0404.90.15	Described in additional U.S. note 27 to this chapter and entered pursuant to its provisions	0.37¢/kg	Free (A, BH, CA, CL, CO, E, IL, J, JO, KR, MA, OM, P, PE, SG) 0.2¢/kg (AU)	12¢/kg	
0404.90.20	Other	\$1.56/kg	Free (MX)	\$2.02/kg	”.

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

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

(B) CHAPTER 4.—Notwithstanding the amendments made by subsection (b)(1) of this section, in the case of any calendar year that includes the effective date described in paragraph (1), the aggregate amount of milk protein concentrates entered under subheading 0404.90.15 shall not exceed an amount equal to 50,652 kilograms multiplied by the number of calendar days remaining in such year beginning with such effective date.

SEC. 3303. COMPENSATION AUTHORITY.
 (a) IN GENERAL.—If the provisions of section 3302 require, the President—

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

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

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

(2) SPECIAL RULE FOR CERTAIN DUTY REDUCTIONS.—If the general rate of duty in effect is

an intermediate stage under an agreement in effect before August 6, 2002, under section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902) or under an agreement entered into under section 2103 (a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803), the proclamation made pursuant to subsection (a) may provide for the reduction of each general rate of duty at each such stage by not more than 30 percent of such general rate of duty, and may provide for a final general rate of duty that is not less than 70 percent of the general rate of duty proclaimed as the final stage under such agreement.

(3) ROUNDING.—If the President determines that such action will simplify the computation of the amount of duty computed with respect to an article, the President may exceed the limitations provided in paragraphs (1) and (2) by not more than the lesser of—

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

SA 2159. Mrs. SHAHEEN (for herself, Mr. LUGER, Mr. KIRK, Mr. DURBIN, Mr. TOOMEY, and Mr. COATS) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) SUGARCANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

- (1) in paragraph (4), by striking “and” after the semicolon at the end;
- (2) in paragraph (5), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:

“(6) 18 cents per pound for raw cane sugar for each of the 2013 through 2017 crop years.”

(b) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “2012” and inserting “2017”.

(c) EFFECTIVE PERIOD.—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking “2012” and inserting “2017”.

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) IN GENERAL.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

- (1) in subsection (a)(1)—
 (A) in the matter before subparagraph (A), by striking “2012” and inserting “2017”; and
 (B) in subparagraph (B), by inserting “at reasonable prices” after “stocks”;
 (2) in subsection (b)(1)—
 (A) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and
 (B) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and

(3) in subsection (c)(2)(C), by striking “if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002”.

(b) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

- (1) in subsection (b)—
 (A) in paragraph (1)—
 (i) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”; and
 (ii) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”; and
 (B) in paragraph (2)(B), by inserting “at reasonable prices” after “market”; and

(2) in subsection (g)—
 (A) by striking “ALLOTMENTS.—” and all that follows through “Subject to subparagraph (B), the” and inserting “ALLOTMENTS.—The”; and

(B) by striking subparagraph (B).

(c) **SUSPENSION OR MODIFICATION OF PROVISIONS.**—Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended by adding at the end the following: “(c) **SUSPENSION OR MODIFICATION OF PROVISIONS.**—Notwithstanding any other provision of this part, the Secretary may suspend or modify, in whole or in part, the application of any provision of this part if the Secretary determines that the action is appropriate, taking into account—

“(1) the interests of consumers, workers in the food industry, businesses (including small businesses), and agricultural producers; and

“(2) the relative competitiveness of domestically produced and imported foods containing sugar.”.

(d) **ADMINISTRATION OF TARIFF RATE QUOTAS.**—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended to read as follows:

“**SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.**

“(a) **ESTABLISHMENT.**—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugar at no less than the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

“(b) **ADJUSTMENT.**—

“(1) **IN GENERAL.**—Subject to subsection (a), the Secretary shall adjust the tariff-rate quotas for raw cane sugar and refined sugar to provide adequate supplies of sugar at reasonable prices in the domestic market.

“(2) **ENDING STOCKS.**—Subject to paragraphs (1) and (3), the Secretary shall establish and adjust tariff-rate quotas in such a manner that the ratio of sugar stocks to total sugar use at the end of the quota year will be approximately 15.5 percent.

“(3) **MAINTENANCE OF REASONABLE PRICES AND AVOIDANCE OF FORFEITURES.**—

“(A) **IN GENERAL.**—The Secretary may establish a different target for the ratio of ending stocks to total use if, in the judgment of the Secretary, the different target is necessary to prevent—

“(i) unreasonably high prices; or

“(ii) forfeitures of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

“(B) **ANNOUNCEMENT.**—The Secretary shall publicly announce any establishment of a target under this paragraph.

“(4) **CONSIDERATIONS.**—In establishing tariff-rate quotas under subsection (a) and making adjustments under this subsection, the Secretary shall consider the impact of the quotas on consumers, workers, businesses (including small businesses), and agricultural producers.

“(c) **TEMPORARY TRANSFER OF QUOTAS.**—

“(1) **IN GENERAL.**—To promote full use of the tariff-rate quotas for raw cane sugar and refined sugar, notwithstanding any other provision of law, the Secretary shall promulgate regulations that provide that any country that has been allocated a share of the quotas may temporarily transfer all or part of the share to any other country that has also been allocated a share of the quotas.

“(2) **TRANSFERS VOLUNTARY.**—Any transfer under this subsection shall be valid only on voluntary agreement between the transferor and the transferee, consistent with procedures established by the Secretary.

“(3) **TRANSFERS TEMPORARY.**—

“(A) **IN GENERAL.**—Any transfer under this subsection shall be valid only for the duration of the quota year during which the transfer is made.

“(B) **FOLLOWING QUOTA YEAR.**—No transfer under this subsection shall affect the share

of the quota allocated to the transferor or transferee for the following quota year.”.

(e) **EFFECTIVE PERIOD.**—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking “2012” and inserting “2017”.

On page 897, strike lines 8 through 15, and insert the following:

SEC. 9009. REPEAL OF FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) **IN GENERAL.**—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking “, except for” and all that follows through “ of 2002”.

SA 2160. Mrs. SHAHEEN (for herself, Mr. KIRK, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the “Stop Unfair Giveaways and Restrictions Act of 2012” or “SUGAR Act of 2012”.

SEC. 1302. SUGAR PROGRAM.

(a) **IN GENERAL.**—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

“(1) **LOANS.**—The Secretary shall carry out this section through the use of recourse loans.”;

(2) by redesignating subsection (i) as subsection (j);

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

“(i) **PHASED REDUCTION OF LOAN RATE.**—For each of the 2012, 2013, and 2014 crops of sugar beets and sugarcane, the Secretary shall lower the loan rate for each succeeding crop in a manner that progressively and uniformly lowers the loan rate for sugar beets and sugarcane to \$0 for the 2015 crop.”; and

(4) in subsection (j) (as redesignated), by striking “2012” and inserting “2014”.

(b) **PROSPECTIVE REPEAL.**—Effective beginning with the 2015 crop of sugar beets and sugarcane, section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. 1303. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law—

(1) a processor of any of the 2015 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2015 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) **TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.**—

(1) **IN GENERAL.**—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) **CONFORMING AMENDMENT.**—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking “sugar cane for sugar, sugar beets for sugar.”.

(c) **GENERAL POWERS.**—

(1) **SECTION 32 ACTIVITIES.**—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting “(other than sugar beets and sugarcane)” after “commodities”; and

(B) in paragraph (3), by inserting “(other than sugar beets and sugarcane)” after “commodity”.

(2) **POWERS OF COMMODITY CREDIT CORPORATION.**—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting “, sugar beets, and sugarcane” after “tobacco”.

(3) **PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.**—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “, and milk”.

(4) **COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.**—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) **SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.**—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) **STORAGE FACILITY LOANS.**—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(7) **FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.**—Effective beginning with the 2013 crop of sugar beets and sugarcane, section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(d) **TRANSITION PROVISIONS.**—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. 1304. TARIFF-RATE QUOTAS.

(a) **ESTABLISHMENT.**—Except as provided in subsection (c) and notwithstanding any other provision of law, not later than October 1, 2012, the Secretary shall develop and implement a program to increase the tariff-rate quotas for raw cane sugar and refined sugars for a quota year in a manner that ensures—

(1) a robust and competitive sugar processing industry in the United States; and

(2) an adequate supply of sugar at reasonable prices in the United States.

(b) **FACTORS.**—In determining the tariff-rate quotas necessary to satisfy the requirements of subsection (a), the Secretary shall consider the following:

(1) The quantity and quality of sugar that will be subject to human consumption in the United States during the quota year.

(2) The quantity and quality of sugar that will be available from domestic processing of sugarcane, sugar beets, and in-process beet sugar.

(3) The quantity of sugar that would provide for reasonable carryover stocks.

(4) The quantity of sugar that will be available from carryover stocks for human consumption in the United States during the quota year.

(5) Consistency with the obligations of the United States under international agreements.

(c) EXEMPTION.—Subsection (a) shall not include specialty sugar.

(d) DEFINITIONS.—In this section, the terms “quota year” and “human consumption” have the meaning such terms had under section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) (as in effect on the day before the date of the enactment of this Act).

SEC. 1305. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2012 crop of sugar beets and sugarcane.

SA 2161. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 331, between lines 2 and 3, insert the following:

SEC. 4009. PLAN FOR INTERVIEWING HOUSEHOLDS.

Section 11(e)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(3)) is amended by striking “by way of” and inserting “using a plan for interviewing households at the time of application and recertification of eligibility, in a manner approved by the Secretary and that is adequate to ensure the integrity of the program and accuracy of payments, but not requiring that every applicant household be interviewed at application or that every participating household be interviewed at every recertification, and using”.

SA 2162. Mr. MCCAIN (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. REPORT ON EFFECTS OF BUDGET SEQUESTRATION ON THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find \$1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to the Department of Defense of \$492,000,000,000 between 2013 and 2021 under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a).

(2) These reductions are in addition to reductions of \$487,000,000,000 already being implemented by the Department of Defense, and would decrease the readiness and capabilities of the Armed Forces while increasing risks to the effective implementation of the National Security Strategy of the United States.

(3) The leaders of the Department of Defense have consistently testified that threats to the national security of the United States

have increased, not decreased. Secretary of Defense Leon Panetta said that these reductions would “inflict severe damage to our national defense for generations”, comments that have been echoed by the Secretaries of the Army, Navy, and Air Force.

(4) While reductions in funds available for the Department of Defense will automatically commence January 2, 2013, uncertainty regarding the reductions has already exacerbated Department of Defense efforts to plan future defense budgets.

(5) Sequestration will have a detrimental effect on the industrial base that supports the Department of Defense.

(b) REPORT.—

(1) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall submit to the appropriate committees of Congress a detailed report on the impact on the Department of Defense of the sequestration of funds authorized and appropriated for fiscal year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readiness (as defined in the C status C 1 through C 5).

(B) An assessment of the potential impact of sequestration on the ability of the Department of Defense to carry out the National Military Strategy of the United States, and any changes to the most recent Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code arising from sequestration.

(C) A detailed estimate of the reduction in force of civilian personnel as a result of sequestration, including the estimated timing of such reduction in force actions and timing of reduction in force notifications thereof.

(D) A list of the programs, projects, and activities across the Department of Defense, the military departments, and the elements and components of the Department of Defense that would be reduced or terminated as a result of sequestration.

(E) An estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope as a result of sequestration, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts.

(F) An assessment of the impact on ongoing military operations, and the safety of United States military personnel, of sequestration of funds in accounts for overseas contingency operations.

(3) ASSUMPTIONS.—The report required by paragraph (1) shall assume the following:

(A) Except as provided in subparagraph (B), the funds subject to sequester are the funds in all 050 accounts, including all unobligated balances.

(B) Funds in accounts for military personnel are exempt from the sequester.

(4) PRESENTATION OF CERTAIN INFORMATION.—In listing programs, projects, and activities under paragraph (2)(D), the report required by paragraph (1) shall set forth for each the following:

(A) The most specific level of budget item identified in applicable appropriations Acts.

(B) Related classified annexes and explanatory statements.

(C) Department of Defense budget justification documents DOD P 1 and R 1 as subsequently modified by congressional action, and as submitted by the Department of Defense together with the budget materials for

the budget of the President for fiscal year 2013 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code).

(D) Department of Defense document O 1 for operation and maintenance accounts for fiscal year 2013, for which purpose the term “program, project, or activity” means the budget activity account and sub account for the program, project, or activity as submitted in such document O 1.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services, Appropriations, and the Budget of the Senate; and

(2) the Committees on Armed Services, Appropriations, and the Budget of the House of Representatives.

SA 2163. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122 . PROHIBITION ON USE OF FEDERAL FUNDS RELATING TO ETHANOL BLENDER PUMPS AND ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law shall be expended to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility (unless the funds are expended to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility for use by motor vehicle fleets operated by a Federal agency), including—

(1) funds in any trust fund to which funds are made available by Federal law; and

(2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

SA 2164. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. CRIMINAL PENALTIES UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT RELATING TO MISBRANDED OR ADULTERATED FOOD.

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

(1) in paragraph (1), by striking “Any” and inserting “Except as provided in paragraph (2) or (3), any”;

(2) in paragraph (2), by striking “Notwithstanding the provisions of paragraph (1) of this section, if” and inserting “If”; and

(3) by adding at the end the following: “(3) Any person who violates subsection (a), (b), (c), or (k) of section 301 with respect to any food—

“(A) knowingly and intentionally to defraud or mislead; and

“(B) with conscious or reckless disregard of a risk of death or serious bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”.

SA 2165. Mr. BARRASSO (for himself, Mr. BOOZMAN, Mr. INHOFE, Mr.

SESSIONS, Mr. HELLER, Mr. VITTER, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 12207. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—Neither the Secretary of the Army nor the Administrator of the Environmental Protection Agency shall—

(1) finalize the proposed guidance described in the notice of availability and request for comments entitled “EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act” (EPA HQ OW 2011 0409) (76 Fed. Reg. 24479 (May 2, 2011)); or

(2) use the guidance described in paragraph (1), or any substantially similar guidance, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rule-making.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any substantially similar guidance, as the basis for any rule shall be grounds for vacation of the rule.

SA 2166. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . PAYMENT OF HIGHER WAGES.

Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended—

(1) by inserting “(1)” after “(a)”; and
 (2) by adding at the end the following:
 “(2) Notwithstanding a labor organization’s exclusive representation of employees in a unit, or the terms and conditions of any collective bargaining contract or agreement then in effect, nothing in either—

“(A) section 8(a)(1) or section 8(a)(5), or
 “(B) a collective bargaining contract or agreement renewed or entered into after the date of enactment of the RAISE Act,

shall prohibit an employer from paying an employee in the unit greater wages, pay, or other compensation for, or by reason of, his or her services as an employee of such employer, than provided for in such contract or agreement.”.

SA 2167. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 140, strike line 1 and insert the following:

(b) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsection (d) and inserting the following:

“(d) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER COVERED COMMODITIES.—The total amount of marketing loan gains and loan deficiency payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under subtitle B of the Agriculture Reform, Food, and Jobs Act of 2012 (or a successor provision) for—

“(1) peanuts may not exceed \$75,000; and
 “(2) 1 or more other covered commodities may not exceed \$75,000.”.

(c) CONFORMING AMENDMENTS.—
 On page 143, line 9, strike “(c)” and insert “(d)”.

SA 2168. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 139, lines 17 and 18, strike “PEANUTS AND OTHER”.

On page 139, lines 22 through 24, strike “for—” and all that follows through “1 or more other” and insert “for 1 or more”.

SA 2169. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, between lines 3 and 4, insert the following:

“(d) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED LOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall not guarantee a loan under this chapter for a borrower for any year after the 15th year that a guarantee is provided with respect to, the borrower under this chapter.

“(2) WAIVERS.—

“(A) IN GENERAL.—The Secretary may, on a case-by-case basis not subject to administrative appeal, grant a borrower a waiver from the limitation period under paragraph (1) if the borrower demonstrates to the satisfaction of the Secretary that—

“(i) the borrower has a viable farm or ranch operation; and

“(ii) the borrower is unable to obtain a commercial loan without a loan guarantee.

“(B) WAIVER PERIOD.—A waiver issued under subparagraph (A) shall not be for a period of more than 3 years.

SA 2170. Mr. GRASSLEY (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 998, between lines 7 and 8, insert the following:

SEC. 12106. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

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

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

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

“(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

“(1) an arrangement entered into within 14 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is

controlled by or under common control with, the packer;

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

“(A) own, feed, or control livestock; and
 “(B) provide the livestock to the cooperative for slaughter;

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

“(4) a packer that owns 1 livestock processing plant; or”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary.

SA 2171. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 313, after line 25, insert the following:

SEC. 4003. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS.

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

“(o) SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS.—

“(1) DEFINITION OF SATISFACTORY IMMIGRATION STATUS.—In this subsection, the term ‘satisfactory immigration status’ means an immigration status under which an individual is eligible for benefits under the supplemental nutrition assistance program, if the individual otherwise meets the requirements of this Act.

“(2) DECLARATION.—

“(A) IN GENERAL.—As a condition of eligibility for the supplemental nutrition assistance program, the Secretary shall require each head of a household seeking to participate in the program to submit to the applicable State agency a written declaration in accordance with subparagraph (B), which the head of household shall sign under penalty of perjury.

“(B) CONTENTS.—The head of household shall certify in the written declaration under subparagraph (A) that each member of the household is—

“(i) national of the United States (as that term is defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); or

“(ii) in a satisfactory immigration status.

“(3) DOCUMENTATION.—

“(A) NATIONALS OF THE UNITED STATES.—Subject to subparagraph (B), for each member of a household for which a certification is made under clause (i) of paragraph (2)(B), the head of household shall submit to the

State agency administering the supplemental nutrition assistance program documentation demonstrating that each such member is a national of the United States that is—

“(i) a document showing birth in the United States;

“(ii) a United States consular report of birth;

“(iii) a United States passport;

“(iv) a Certificate of Naturalization; or

“(v) a Certificate of Citizenship.

“(B) SATISFACTORY IMMIGRATION STATUS.—Subject to subparagraph (B), for each member of a household for which a certification is made under clause (ii) of paragraph (2)(B), the head of household shall submit to the State agency administering the supplemental nutrition assistance program—

“(i) alien registration documentation or other proof of immigration registration issued by the Secretary of Homeland Security that contains—

“(I) the alien admission number of the individual; and

“(II) the alien file number of the individual; or

“(ii) any other document that the State agency determines constitutes reasonable evidence of a satisfactory immigration status.

“(C) ADULT HOUSEHOLD MEMBERS.—An individual who is a member of a household who is 18 years of age or older for which a certification is made under clause (i) or (ii) of paragraph (2)(B) shall submit to the State agency the documentation described in subparagraph (A) or (B) on such individual’s own behalf.

“(4) SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM.—For documentation described in paragraph (3)(B), the State agency to which the documentation is submitted shall use the alien admission number or alien file number of the individual to verify the immigration status of the individual using the Systematic Alien Verification for Entitlements Program of the United States Citizenship and Immigration Services.”.

SA 2172. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, between lines 8 and 9, insert the following:

SEC. 4011. REPEAL OF STATE BONUS PAYMENTS.
Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

SA 2173. Mr. SESSIONS (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4002 and insert the following:

SEC. 4002. STANDARD UTILITY ALLOWANCE.

(a) STANDARD UTILITY ALLOWANCE.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in subsection (e)(6)(C), by striking clause (iv); and

(2) in subsection (k), by striking paragraph (4) and inserting the following:

“(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1), a payment made under a State law (other than a law referred to in paragraph (2)(G)) to pro-

vide energy assistance to a household shall be considered money payable directly to the household.”.

(b) CONFORMING AMENDMENTS.—Section 2605(f)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e))”; and

(2) in subparagraph (A), by inserting before the semicolon the following: “, except that such payments or allowances shall not be considered to be expended for purposes of determining any excess shelter expense deduction under section 5(e)(6) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6))”.

SA 2174. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 312, between lines 8 and 9, insert the following:

SEC. 4002. LIMITATION ON CATEGORICAL ELIGIBILITY.

Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the second sentence of subsection (a), by striking “households in which each member receives benefits” and inserting “households in which each member receives cash assistance”; and

(2) in subsection (j), by striking “or who receives benefits under a State program” and inserting “or who receives cash assistance under a State program”.

SA 2175. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11, add the following:

SEC. 122 . GRAZING PERMITS AND LEASES.

(a) TERMS OF GRAZING PERMITS AND LEASES.—Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking “ten years” each place it appears and inserting “20 years”; and

(2) in subsection (b)—

(A) by striking “or” at the end of each of paragraphs (1) and (2);

(B) in paragraph (3), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.”.

(b) RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.—Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

“SEC. 405. RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING OF GRAZING PERMITS AND LEASES.

“(a) DEFINITIONS.—In this section:

“(1) CURRENT GRAZING MANAGEMENT.—The term ‘current grazing management’ means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

“(b) RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

“(1) section 402;

“(2) section 19 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’; 16 U.S.C. 5801);

“(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

“(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa 50).

“(c) TERMS; CONDITIONS.—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

“(d) CANCELLATION; SUSPENSION; MODIFICATION.—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

“(e) RENEWAL, TRANSFER, OR REISSUANCE AFTER PROCESSING.—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

“(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at the sole discretion of the Secretary concerned, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

“(1) the decision to renew, reissue, or transfer continues the current grazing management of the allotment;

“(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

“(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

“(g) PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.—The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

“(h) NEPA EXEMPTIONS.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

“(1) Crossing and trailing authorizations of domestic livestock.

“(2) Transfer of grazing preference.”.

SA 2176. Mr. BARRASSO submitted an amendment intended to be proposed

by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 880, between lines 3 and 4, insert the following:

SEC. 83 . COOPERATIVE AGREEMENTS FOR FOREST, RANGELAND, AND WATERSHED RESTORATION AND PROTECTION SERVICES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term “eligible State” means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) SECRETARY.—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) STATE FORESTER.—The term “State forester” means the head of a State agency with jurisdiction over State forestry programs in an eligible State.

(b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration and protection services described in paragraph (2) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State.

(2) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) STATE AS AGENT.—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as the agent for the Secretary in providing the restoration and protection services authorized under paragraph (1).

(4) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) APPLICABLE LAW.—The restoration and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

SA 2177. Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NAVIGABLE WATERS.

(a) SHORT TITLE.—This section may be cited as the “Defense of Environment and Property Act of 2012”.

(b) NAVIGABLE WATERS.—

(1) IN GENERAL.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by striking paragraph (7) and inserting the following:

“(7) NAVIGABLE WATERS.—

“(A) IN GENERAL.—The term ‘navigable waters’ means the waters of the United States, including the territorial seas, that are—

“(i) navigable-in-fact; or

“(ii) permanent, standing, or continuously flowing bodies of water that form geographical features commonly known as streams, oceans, rivers, and lakes that are connected to waters that are navigable-in-fact.

“(B) EXCLUSIONS.—The term ‘navigable waters’ does not include—

“(i) waters that—

“(I) do not physically abut waters described in subparagraph (A); and

“(II) lack a continuous surface water connection to navigable waters;

“(ii) man-made or natural structures or channels—

“(I) through which water flows intermittently or ephemeral; or

“(II) that periodically provide drainage for rainfall; or

“(iii) wetlands without a continuous surface connection to bodies of water that are waters of the United States.

“(C) EPA AND CORPS ACTIVITIES.—An activity carried out by the Administrator or the Corps of Engineers shall not, without explicit State authorization, impinge upon the traditional and primary power of States over land and water use.

“(D) AGGREGATION; WETLANDS.—

“(i) AGGREGATION.—Aggregation of wetlands or waters not described in clauses (i) through (iii) of subparagraph (B) shall not be used to determine or assert Federal jurisdiction.

“(ii) WETLANDS.—Wetlands described in subparagraph (B)(iii) shall not be considered to be under Federal jurisdiction.

“(E) APPEALS.—A jurisdictional determination by the Administrator that would affect the ability of a State to plan the development and use (including restoration, preservation, and enhancement) of land and water resources may be appealed by the State during the 30-day period beginning on the date of the determination.

“(F) TREATMENT OF GROUND WATER.—Ground water shall—

“(i) be considered to be State water; and

“(ii) not be considered in determining or asserting Federal jurisdiction over isolated or other waters, including intermittent or ephemeral water bodies.

“(G) PROHIBITION ON USE OF NEXUS TEST.—Notwithstanding any other provision of law, the Administrator may not use a significant nexus test (as used by EPA in the proposed document listed in section 3(a)(1)) to determine Federal jurisdiction over navigable waters and waters of the United States (as those terms are defined and used, respectively, in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)).”

(2) APPLICABILITY.—Nothing in this subsection or the amendments made by this subsection affects or alters any exemption under—

(A) section 402(1) of the Federal Water Pollution Control Act (33 U.S.C. 1342(1)); or

(B) section 404(f) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)).

(c) APPLICABILITY OF AGENCY REGULATIONS AND GUIDANCE.—

(1) IN GENERAL.—The following regulations and guidance shall have no force or effect:

(A) The final rule of the Corps of Engineers entitled “Final Rule for Regulatory Programs of the Corps of Engineers” (51 Fed. Reg. 41206 (November 13, 1986)).

(B) The proposed rule of the Environmental Protection Agency entitled “Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of ‘Waters of the United States’ ” (68 Fed. Reg. 1991 (January 15, 2003)).

(C) The guidance document entitled “Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in *Rapanos v. United States*’ & *Carabell v. United States*” (December 2, 2008) (relating to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)).

(D) Any subsequent regulation of or guidance issued by any Federal agency that defines or interprets the term “navigable waters”.

(2) PROHIBITION.—The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall not promulgate any rules or issue any guidance that expands or interprets the definition of navigable waters unless expressly authorized by Congress.

(d) STATE REGULATION OF WATER.—Nothing in this section affects, amends, or supersedes—

(1) the right of a State to regulate waters in the State; or

(2) the duty of a landowner to adhere to any State nuisance laws (including regulations) relating to waters in the State.

(e) CONSENT FOR ENTRY BY FEDERAL REPRESENTATIVES.—Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) is amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) ENTRY BY FEDERAL AGENCY.—A representative of a Federal agency shall only enter private property to collect information about navigable waters if the owner of that property—

“(A) has consented to the entry in writing;

“(B) is notified regarding the date of the entry; and

“(C) is given access to any data collected from the entry.

“(2) ACCESS.—If a landowner consents to entry under paragraph (1), the landowner shall have the right to be present at the time any data collection on the property of the landowner is carried out.”

(f) COMPENSATION FOR REGULATORY TAKING.—

(1) IN GENERAL.—If a Federal regulation relating to the definition of navigable waters or waters of the United States diminishes the fair market value or economic viability of a property, as determined by an independent appraiser, the Federal agency issuing the regulation shall pay the affected property owner an amount equal to twice the value of the loss.

(2) ADMINISTRATION.—Any payment provided under paragraph (1) shall be made from the amounts made available to the relevant agency head for general operations of the agency.

(3) APPLICABILITY.—A Federal regulation described in paragraph (1) shall have no force or effect until the date on which each landowner with a claim under this subsection relating to that regulation has been compensated in accordance with this subsection.

SA 2178. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FREEDOM FROM OVERCRIMINALIZATION AND UNJUST SEIZURES.

(a) **PROHIBITED ACTS.**—Section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)) is amended—

(1) in paragraph (2)—
(A) in subparagraph (A), by striking “or in violation of any foreign law”; and

(B) in subparagraph (B)—
(i) in clause (i), by striking “, or any foreign law,”;

(ii) in clause (ii), by striking “or any foreign law”; and

(iii) in clause (iii), by striking “, or under any foreign law,”; and

(2) in paragraph (3)—
(A) in subparagraph (A), by striking “foreign law or”; and

(B) in subparagraph (B)—
(i) in clause (i), by striking “, or any foreign law,”;

(ii) in clause (ii), by striking “or any foreign law”; and

(iii) in clause (iii), by striking “, or under any foreign law.”.

(b) **PENALTIES.**—Section 4 of the Lacey Act Amendments of 1981 (16 U.S.C. 3373) is amended—

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

“(1) **ASSESSMENT.**—

“(A) **IN GENERAL.**—Any person who engages in conduct prohibited by any provision of this Act (other than subsections (b), (d), and (f) of section 3) and in the exercise of due care should know that the fish, wildlife, or plants were taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any underlying law, treaty, or regulation, and any person who knowingly violates subsection (d) or (f) of section 3, may be assessed a civil penalty by the Secretary for each violation in accordance with subparagraph (B) or (C), as applicable.

“(B) **MARKET VALUE OF LESS THAN \$350.**—If a violation under subparagraph (A) involves fish or wildlife or plants with a market value of less than \$350 and involves only the transportation, acquisition, or receipt of fish, wildlife, or plants taken or possessed in violation of any law, treaty, or regulation of the United States, tribal law, or any law or regulation of a State, the penalty assessed under subparagraph (A) for the violation shall not exceed the lesser of—

“(i) the maximum amount of the penalty provided for violation of the law or regulation; or

“(ii) \$10,000.

“(C) **OTHER VIOLATIONS.**—For any violation under subparagraph (A) that is not described in subparagraph (B), the penalty assessed under that subparagraph shall not exceed \$200,000.”; and

(2) by striking subsections (d) and (e).

(c) **FORFEITURE.**—Section 5 of the Lacey Act Amendments of 1981 (16 U.S.C. 3374) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) **IN GENERAL.**—All fish, wildlife, or plants imported, exported, transported, sold, received, acquired, or purchased in violation of section 3 (other than subsection (b) of that section), or any regulation issued under that section, shall be subject to forfeiture to the United States notwithstanding any culpability requirements for civil penalty assessment under section 4.”;

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (b) (as redesignated), by striking “convicted of an offense, or assessed a civil penalty,” and inserting “assessed a civil penalty”.

(d) **ENFORCEMENT.**—

(1) **IN GENERAL.**—Section 6 of the Lacey Act Amendments of 1981 (16 U.S.C. 3375) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(C) in subsection (b) (as redesignated), by striking the third sentence; and

(D) in the first sentence of subsection (c) (as redesignated)—

(i) by striking “an arrest, a criminal conviction, civil penalty assessment, or forfeiture of property” and inserting “a civil penalty assessment or forfeiture of property”; and

(ii) by striking “or criminal”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 3(c)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 7421(c)(3)) is amended by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(B) Section 503(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1423b(b)) is amended—

(i) by striking the subsection designation and heading and all that follows through “The Secretary may utilize” in paragraph (1) and inserting the following:

“(b) **UTILIZATION OF OTHER GOVERNMENT RESOURCES AND AUTHORITIES.**—The Secretary may utilize”; and

(ii) by striking paragraph (2).

(C) Section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) is amended in the fourth sentence by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(D) Section 7(f) of the Rhinoceros and Tiger Conservation Act (16 U.S.C. 5305a(f)) is amended by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(E) Section 524(c)(4)(A) of title 28, United States Code, is amended by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(F) Section 1402(b)(1)(A)(ii) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)(1)(A)(ii)) is amended by striking “section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))” and inserting “section 6(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(c))”.

(e) **EXCEPTIONS.**—Section 8 of the Lacey Act Amendments of 1981 (16 U.S.C. 3377) is amended by striking subsection (b) and inserting the following:

“(b) **ACTIVITIES REGULATED BY TUNA CONVENTION ACTS.**—Paragraphs (1), (2)(A), and (3)(A) of subsection 3(a) shall not apply to any activity regulated by the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.) or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.)”.

SA 2179. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CARRYING OF FIREARMS BY DEPARTMENT EMPLOYEES.

(a) **AUTHORITY OF THE OFFICE OF THE INSPECTOR GENERAL.**—Section 1337 of the Agriculture and Food Act of 1981 (7 U.S.C. 2270) is amended—

(1) in paragraph (1), by inserting “and” after the semicolon;

(2) in paragraph (2), by striking “; and”; and

(3) by striking paragraph (3).

(b) **FIREARM AUTHORITY OF EMPLOYEES ENGAGED IN ANIMAL QUARANTINE ENFORCEMENT.**—

(1) **IN GENERAL.**—Section 1 of Public Law 97 312 (7 U.S.C. 2274) is repealed.

(2) **EFFECT ON REGULATIONS.**—Any regulation promulgated by the Secretary of Agriculture under section 1 of Public Law 97 312 (7 U.S.C. 2274) shall have no force or effect.

(3) **CONFORMING AMENDMENT.**—Section 2 of Public Law 97 312 (96 Stat. 1461) is redesignated as section 1.

(c) **ENFORCEMENT PROVISIONS.**—Section 204(b)(1) of the Sikes Act (16 U.S.C. 670j(b)) is amended—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) through (v) as clauses (i) through (iv), respectively, and by indenting appropriately.

SA 2180. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . INTERSTATE TRAFFIC OF UNPASTEURIZED MILK AND MILK PRODUCTS.

(a) **SALE ALLOWED.**—Notwithstanding the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), section 361 of the Public Health Service Act (42 U.S.C. 264), and any regulations or other guidance issued under such Act or section, a Federal department, agency, or court may not take any action (such as administrative, civil, criminal, or other actions) that would prohibit, interfere with, regulate, or otherwise restrict the interstate traffic of milk, or a milk product, that is unpasteurized and packaged for direct human consumption, if such restriction is based on the determination that, solely because such milk or milk product is unpasteurized, such milk or milk product is adulterated, misbranded, or otherwise in violation of Federal law.

(b) **DEFINITIONS.**—In this section, the following definitions apply:

(1) The terms “interstate traffic”, “milk”, and “milk product” have the meanings given those terms in section 1240.3 of title 21, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) The term “packaged for direct human consumption” means milk and milk products that are packaged for the final consumer and intended for human consumption. Such term does not include milk and milk products that are packaged for additional processing, including pasteurization, before being consumed by humans.

(3) The term “pasteurized” means the process of heating milk and milk products to the applicable temperature specified in the tables contained in section 1240.61 of title 21, Code of Federal Regulations (or successor regulations), and held continuously at or above that temperature for at least the corresponding specified time in such tables.

SA 2181. Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1605 and insert the following:

SEC. 1605. AVERAGE ADJUSTED GROSS INCOME LIMITATION.

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

“(b) LIMITATIONS.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any payment or other benefit under the Agriculture Reform, Food, and Jobs Act of 2012, or any amendment made by that Act, during a crop, fiscal, or program year, as appropriate, if the average adjusted gross income of the person or legal entity exceeds \$250,000.”.

SA 2182. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 2 and all that follows through page 342, line 10, and insert the following:

Subtitle A—Supplemental Nutrition Assistance Block Grant Program

SEC. 4001. PURPOSE.

The purpose of this subtitle is to empower States with programmatic flexibility and financial predictability in designing and operating State programs—

(1) to raise the levels of nutrition among low-income households;

(2) to provide supplemental nutrition assistance benefits to households with income and resources that are insufficient to meet the costs of providing adequate nutrition; and

(3) to provide States the flexibility to provide new and innovative means to accomplish paragraphs (1) and (2) based on the population and particular needs of each State.

SEC. 4002. STATE PLANS.

(a) IN GENERAL.—To receive a grant under section 4003, a State shall submit to the Secretary a written plan that describes the manner in which the State intends to conduct a supplemental nutrition assistance program that—

(1) is designed to serve all political subdivisions in the State;

(2) provides supplemental nutrition assistance benefits to low-income households for the sole purpose of purchasing food, as defined by the applicable State agency in the plan; and

(3) limits participation in the supplemental nutrition assistance program to those households the incomes and other financial resources of which, held singly or in joint ownership, are determined by the State to be a substantial limiting factor in permitting the members of the household to obtain a more nutritious diet.

(b) REQUIREMENTS.—Each plan shall include—

(1) specific objective criteria for—

(A) the determination of eligibility for nutritional assistance for low-income households, which may be based on standards relating to income, assets, family composition, beneficiary population, age, work, current participation in other Federal government means-tested programs, and work, student enrollment, or training requirements; and

(B) fair and equitable treatment of recipients and provision of supplemental nutrition assistance benefits to all low-income households in the State; and

(2) a description of—

(A) benefits provided based on the aggregate grant amount; and

(B) the manner in which supplemental nutrition assistance benefits will be provided under the State plan, including the use of State administration organizations, private contractors, or consultants.

(c) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.—

(1) IN GENERAL.—The Governor of each State that receives a grant under section 4003 shall issue a certification to the Secretary in accordance with this subsection.

(2) ADMINISTRATION.—The certification shall specify which 1 or more State agencies will administer and supervise the State plan under this section.

(3) PROVISION OF BENEFITS ONLY TO LOW-INCOME INDIVIDUALS AND HOUSEHOLDS.—

(A) IN GENERAL.—The certification shall certify that the State will—

(i) only provide supplemental nutrition assistance to low-income individuals and households in the State; and

(ii) take such action as is necessary to prohibit any household or member of a household that does not meet the criteria described in subparagraph (B) from receiving supplemental nutrition assistance benefits.

(B) CRITERIA.—A household shall meet the criteria described in this subparagraph if the household is—

(i) a household in which each member receives benefits under the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(ii) a low-income household that does not exceed 100 percentage of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section) for a family of the size involved as the State shall establish; or

(iii) a household in which each member receives benefits under a State or Federal general assistance program that complies with income criteria standards comparable to or more restrictive than the standards established under clause (ii).

(4) PROVISION OF BENEFITS ONLY TO CITIZENS AND LAWFUL PERMANENT RESIDENTS OF THE UNITED STATES.—The certification shall certify that the State will—

(A) only provide supplemental nutrition assistance to citizens and lawful permanent residents of the United States; and

(B) take such action as is necessary to prohibit supplemental nutrition assistance benefits from being provided to any individual or household a member of which is not a citizen or lawful permanent resident of the United States.

(5) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD, WASTE AND ABUSE.—The certification shall certify that the State—

(A) has established and will continue to enforce standards and procedures to ensure against program fraud, waste, and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage; and

(B) will prohibit from further receipt of benefits under the program any recipient who attempts to receive benefits fraudulently.

(6) LIMITATION ON SECRETARIAL AUTHORITY.—The Secretary—

(A) may only review a State plan submitted under this section for the purpose of confirming that a State has submitted the required documentation; and

(B) shall not have the authority to approve or deny a State plan submitted under this section or to otherwise inhibit or control the expenditure of grants paid to a State under section 4003, unless a State plan does not comply with the requirements of this section.

SEC. 4003. GRANTS TO STATES.

(a) IN GENERAL.—Beginning 120 days after the date of enactment of this Act, and annually thereafter, each State that has submitted a plan that meets the requirements of section 4002 shall receive from the Secretary a grant in an amount determined under subsection (b).

(b) AMOUNTS OF GRANTS.—

(1) IN GENERAL.—Subject to paragraph (3), a grant received under subsection (a) shall be in an amount equal to the product of—

(A) the amount made available under section 4005 for the applicable fiscal year; and

(B) the proportion that—

(i) the number of individuals residing in the State whose income does not exceed 100 percent of the poverty line described in section 4002(c)(3)(B)(ii) applicable to a family of the size involved; bears to

(ii) the number of such individuals in all States that have submitted a plan under section 4002 for the applicable fiscal year, based on data for the most recent fiscal year for which data is available.

(2) PRO RATA ADJUSTMENTS.—The Secretary shall make pro rata adjustments in the amounts determined for States under paragraph (1) for each fiscal year as necessary to ensure that—

(A) the total amount appropriated for the applicable fiscal year under section 4005 is allotted among all States that submit a plan under section 4002; and

(B) the total amount of all supplemental nutrition assistance grants for States determined for the fiscal year does not exceed the total amount appropriated for the fiscal year.

(3) ADMINISTRATIVE PROVISIONS.—

(A) QUARTERLY PAYMENTS.—The Secretary shall make each supplemental nutrition assistance grant payable to a State for a fiscal year under this section in quarterly installments.

(B) COMPUTATION AND CERTIFICATION OF PAYMENT TO STATES.—

(i) COMPUTATION.—The Secretary shall estimate the amount to be paid to each State for each quarter under this section based on a report filed by the State that shall include—

(I) an estimate by the State of the total amount to be expended by the State during the applicable quarter under the State program funded under this subtitle; and

(II) such other information as the Secretary may require.

(ii) CERTIFICATION.—The Secretary shall certify to the Secretary of the Treasury the amount estimated under clause (i) with respect to each State, adjusted to the extent of any overpayment or underpayment—

(I) that the Secretary determines was made under this subtitle to the State for any prior quarter; and

(II) with respect to which adjustment has not been made under this paragraph.

SEC. 4004. USE OF GRANTS.

(a) IN GENERAL.—Subject to subsection (b), a State that receives a grant under section 4003 may use the grant in any manner that is reasonably demonstrated to accomplish the purposes of this subtitle.

(b) LIMITATION ON USE OF GRANT FOR ADMINISTRATIVE PURPOSES.—A State may not use more than 3 percent of the amount of a grant received for a fiscal year under section 4003 for administrative purposes.

SEC. 4005. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$45,000,000,000 for fiscal year 2013 and each fiscal year thereafter.

SEC. 4006. REPEAL.

(a) **IN GENERAL.**—Effective 120 days after the date of enactment of this Act, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) **RELATIONSHIP TO OTHER LAW.**—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the supplemental nutrition assistance block grant program under this subtitle.

SA 2183. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON FOREIGN ASSISTANCE TO PAKISTAN.

No amounts may be obligated or expended to provide any direct United States assistance to the Government of Pakistan unless the President certifies to Congress that—

- (1) Dr. Shakil Afridi has been released from prison in Pakistan;
- (2) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and
- (3) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan.

SA 2184. Mr. WYDEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Other Matters**SEC. 3301. ACCESS OF MEMBERS OF CONGRESS AND THEIR STAFF TO DOCUMENTS RELATING TO TRADE NEGOTIATIONS.**

(a) **PURPOSES.**—The purposes of this section are—

- (1) to ensure the adequate consultation of the United States Trade Representative with Members of Congress;
- (2) to provide Members of Congress with appropriate opportunities—
 - (A) to advise the Trade Representative with respect to the formulation of trade policy; and
 - (B) to propose specific negotiating objectives for trade negotiations; and
- (3) to provide Members of Congress with the information necessary to assess compliance with and enforcement of commitments made by countries that are parties to trade agreements with the United States.

(b) **ACCESS TO CERTAIN DOCUMENTS.**—Notwithstanding section 2107 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3807) or any other provision of law, the United States Trade Representative shall provide access to documents, including classified materials, relating to negotiations for a trade agreement to which the United States may be a party and policies advanced by the Trade Representative in such negotiations to—

- (1) any Member of Congress that requests such documents; and
- (2) staff of such a Member with proper security clearances.

SA 2185. Mr. GRAHAM submitted an amendment intended to be proposed by

him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 312, strike line 2 and all that follows through page 342, line 10, and insert the following:

Subtitle A—Supplemental Nutrition Assistance Block Grant Program**SEC. 4001. SUPPLEMENTAL NUTRITION ASSISTANCE BLOCK GRANT PROGRAM.**

(a) **IN GENERAL.**—The Secretary shall establish a supplemental nutrition assistance block grant program under which the Secretary shall make grants to each State that submits to the Secretary a plan describing the manner in which the State will carry out the supplemental nutrition assistance program in the State, including eligibility and fraud prevention requirements.

(b) **AMOUNT OF GRANT.**—For each fiscal year, the Secretary shall make a grant to each State that has submitted a plan under subsection (a) in an amount equal to the product of—

- (1) the amount made available under subsection (c) for the applicable fiscal year; and
- (2) the proportion that—

(A) the number of low-income individuals (as determined by the Secretary) in the State; bears to

(B) the number of low-income individuals in all States that have submitted a plan for the applicable fiscal year.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section an amount equal to the amount made available to carry out the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as in effect on the day before the date of enactment of this Act) for fiscal year 2010.

SEC. 4002. REPEAL.

(a) **IN GENERAL.**—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

(b) **RELATIONSHIP TO OTHER LAW.**—Any reference in this Act, an amendment made by this Act, or any other Act to the supplemental nutrition assistance program shall be considered to be a reference to the supplemental nutrition assistance block grant program under this subtitle.

SA 2186. Mr. COBURN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

“(9) **LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.**—

“(A) **DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.**—In this paragraph, the term ‘average adjusted gross income’ has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308 3a(a)).

“(B) **LIMITATION.**—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of \$750,000 based on the most recent data available from the Farm Service

Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.”

SA 2187. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 398, line 1, insert “(including a commercial fisherman)” after “farmer”.

SA 2188. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1003, line 24, insert “and commercially harvested fish” after “ornamental fish”.

SA 2189. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 4208. FRUIT AND VEGETABLE PROGRAM.

Section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) is amended—

(1) in the section heading, by striking “**FRESH**”;

(2) in subsection (a), by striking “fresh”;

and

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

“(b) **PROGRAM.**—A school participating in the program—

“(1) shall make free fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school;

“(2) may make the free fruits and vegetables available in any form (such as fresh, frozen, dried, or canned) that meets any nutrition requirement prescribed by the Secretary and consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

“(3) shall purchase, to the maximum extent practicable, domestic commodities or products in compliance with section 12(n) (including any implementing regulations).”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 6, 2012, at 10 a.m., to conduct a Committee hearing entitled “Implementing