

SA 2211. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2212. Mr. JOHANNES (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2213. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2214. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2215. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2216. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2217. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2218. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2219. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2220. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2221. Mr. WYDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2222. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2223. Mrs. MCCASKILL (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2224. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2225. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2226. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2227. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2228. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2229. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2230. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2231. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2232. Mr. TESTER (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2233. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2234. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2235. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2236. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2237. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2238. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2239. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2240. Mr. THUNE (for himself, Mr. GRAHAM, Mr. RUBIO, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2241. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2242. Mr. NELSON of Nebraska (for himself, Mr. JOHANNES, Mr. JOHNSON of South Dakota, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2243. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2244. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2245. Mr. HARKIN (for himself and Mr. CASEY) 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 2190.** Ms. SNOWE (for herself and 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 115, strikes lines 12 and 13 and inserts the following:

#### **PART IV—FEDERAL MILK MARKETING ORDER REFORM**

##### **SEC. 1481. REQUIRED AMENDMENTS TO FEDERAL MILK MARKETING ORDERS.**

###### **(a) AMENDMENTS REQUIRED.—**

(1) **IN GENERAL.**—The Secretary shall amend each Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (in this part referred to as a “milk marketing order”), as required by this section.

(2) **RELATION TO OTHER LAWS.**—Except as provided in section 1482, the Secretary shall execute the amendments required by this section without regard to any provision of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, as in effect on the day before the date of enactment of this Act.

(b) **USE OF END-PRODUCT PRICE FORMULAS.**—The Secretary shall eliminate the use of end-product price formulas for setting prices for Class III milk.

(c) **ADMINISTRATIVE AUTHORITY.**—In addition to and notwithstanding the authority provided under section 8d of the Agricultural Adjustment Act (7 U.S.C. 608d), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary may—

(1) require handlers to report, maintain, and make available all information and records that the Secretary considers necessary for the administration of any milk marketing order; and

(2) adopt only such conforming amendments to milk marketing orders as the Secretary determines to be necessary to implement the amendments required by this section.

##### **SEC. 1482. AMENDMENT PROCESS.**

###### **(a) PROCESS.—**

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments to milk marketing orders required to be made by section 1481 shall be subject to subsections (17) and (19) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(2) **NOTICE OF FINAL DECISION ON PROPOSED AMENDMENTS.**—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register notice of a final decision on the proposed amendments to be made to milk marketing orders in order to comply with section 1481.

###### **(3) PRODUCER REFERENDUM.—**

(A) **REFERENDUM REQUIRED.**—As soon as practicable after publication of the final decision on the proposed amendments under paragraph (2), the Secretary shall conduct a producer referendum regarding the final decision on the proposed amendments.

###### **(B) TERMS OF REFERENDUM.—**

(i) **IN GENERAL.**—Except as provided in clauses (ii) and (iii), the producer referendum shall be conducted in the manner provided by section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(ii) **SINGLE REFERENDUM.**—The referendum shall be a single referendum upon which approval or failure of the proposed amendments to all milk marketing orders shall depend.

(iii) **APPROVAL REQUIREMENTS.**—The proposed amendments shall require approval by ½ of participating producers or by volume of production (rather than ⅔) in order for the referendum to pass and the proposed amendments to take effect.

(C) **EFFECT OF FAILURE.**—If the referendum fails, the milk marketing orders shall remain in force as in effect before the proposed amendments were published.

(b) **EFFECT OF COURT ORDER.**—If the Secretary is enjoined or otherwise restrained by a court order from executing the amendments to milk marketing orders required by section 1481, the length of time for which that injunction or other restraining order is effective shall be added to any time limitation in effect under paragraph (2) or (3) of subsection (a), so as to extend those time limitations by a period of time equal to the

period of time for which the injunction or other restraining order is in effect.

(C) RELATION TO OTHER AMENDMENT AUTHORITY.—Nothing in this part affects the authority of the Secretary to subsequently amend milk marketing orders, or the ability of producers or other persons to seek such amendments, in accordance with the rule-making process provided by section 8c(17) of the Agricultural Adjustment Act (7 U.S.C. 608c(17)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

#### PART V—EFFECTIVE DATE

##### SEC. 1491. EFFECTIVE DATE.

**SA 2191.** Mr. ALEXANDER 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 596, between lines 12 and 13, insert the following:

“(12) OTHER FEDERAL BENEFITS.—Notwithstanding any other provision of law, any cooperative organization or other entity that receives a loan or loan guarantee under this subsection for a wind energy project shall be ineligible for any other Federal benefit, assistance, or incentive for the project under any other provision of law.

**SA 2192.** Ms. AYOTTE (for herself and Mr. COBURN) 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 568, strike line 6 and all that follows through page 574, line 11, and insert the following:

“(b) VALUE-ADDED AGRICULTURAL PRODUCER GRANTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) MID-TIER VALUE CHAIN.—The term ‘mid-tier value chain’ means a local and regional supply network that links independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

“(i) targets and strengthens the profitability and competitiveness of small- and medium-sized farms that are structured as family farms; and

“(ii) obtains agreement from an eligible agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

“(B) PRODUCER.—The term ‘producer’ means a farmer.

“(C) VALUE-ADDED AGRICULTURAL PRODUCT.—The term ‘value-added agricultural product’ means any agricultural commodity or product—

“(i) that—

“(I) has undergone a change in physical state;

“(II) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

“(III) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product; or

“(IV) is aggregated and marketed as a locally produced agricultural food product; and

“(ii) for which, as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

“(I) the customer base for the agricultural commodity or product is expanded; and

“(II) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.

“(2) GRANTS.—

“(A) IN GENERAL.—The Secretary may make grants under this subsection to—

“(i) independent producers of value-added agricultural products; and

“(ii) an agricultural producer group, farmer cooperative, or majority-controlled producer-based business venture, as determined by the Secretary.

“(B) GRANTS TO A PRODUCER.—A grantee under subparagraph (A)(i) shall use the grant—

“(i) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity (including through mid-tier value chains) for value-added agricultural products; or

“(ii) to provide capital to establish alliances or business ventures that allow the producer to better compete in domestic or international markets.

“(C) GRANTS TO AN AGRICULTURAL PRODUCER GROUP, COOPERATIVE OR PRODUCER-BASED BUSINESS VENTURE.—A grantee under subparagraph (A)(ii) shall use the grant—

“(i) to develop a business plan for viable marketing opportunities in emerging markets for a value-added agricultural product; or

“(ii) to develop strategies that are intended to create marketing opportunities in emerging markets for the value-added agricultural product.

“(D) AWARD SELECTION.—

“(i) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects—

“(I) carried out by an applicant that has not previously received a grant under this subsection;

“(II) carried out by an applicant that has not received any Federal assistance for the prior fiscal year;

“(III) that contribute to increasing opportunities for operators of small- and medium-sized farms that are structured as family farms; or

“(IV) at least ¼ of the recipients of which are beginning farmers or socially disadvantaged farmers.

“(i) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide substantial weight to the priorities described in clause (i).

“(E) AMOUNT OF GRANT.—

“(i) IN GENERAL.—The total amount provided to a grant recipient under this subsection shall not exceed \$150,000.

“(ii) MAJORITY-CONTROLLED, PRODUCER-BASED BUSINESS VENTURES.—The total amount of all grants provided to majority-controlled, producer-based business ventures under this subsection for a fiscal year shall not exceed 10 percent of the amount of funds used to make all grants for the fiscal year under this subsection.

“(F) TERM.—The term of a grant under this paragraph shall not exceed 3 years.

“(G) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than \$50,000 under this subsection.

“(H) APPLICATION REQUIREMENTS.—As a condition of the receipt of a grant under this subsection, an applicant shall disclose or provide to the Secretary in the application for the grant—

“(i) the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a))) of the applicant;

“(ii) an estimate of the number of jobs and increased revenue expected to be created if a grant is awarded and implemented;

“(iii) all other Federal assistance received by the applicant for the previous fiscal year;

“(iv) all previous grants received by the applicant under this subsection; and

“(v) all previous loans, loan guarantees, and grants received by the applicant from the Secretary.

“(I) RECIPIENT REQUIREMENTS.—As a condition of the receipt of a grant under this subsection, a recipient shall disclose to the Secretary the adjusted gross income of the recipient for the previous year (as determined by the Secretary)—

“(i) on the completion of a grant agreement, in the final report of the recipient for the grant agreement; and

“(ii) on the date that is 3 years after the date of the submission of the final report described in clause (i).

“(J) LIMITATIONS.—

“(i) IN GENERAL.—The Secretary shall not provide a grant under this subsection to any producer that, during the 3-year period preceding the date of receipt of the application of the producer, has submitted a final grant report for another value-added agricultural producer grant.

“(ii) NO GRANTS TO PRODUCERS OF ALCOHOLIC BEVERAGES.—The Secretary shall not provide a grant under this subsection to any producer of an alcoholic beverage.

“(3) RETENTION OF RECORDS.—In carrying out the program under this subsection, the Secretary shall—

“(A) retain all records associated with the program under this subsection until the date on which the Office of the Inspector General of the Department determines which records need to be retained so as to conduct an audit of the program for the prior 10 years; and

“(B) after that date, continue to retain all records so determined by the Office of the Inspector General to be necessary for the audit.

“(4) AUDIT REQUIREMENTS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012, the Office of the Inspector General of the Department and the Comptroller General of the United States shall initiate audits of the program under this subsection.

“(B) REQUIREMENT.—Audits under this paragraph shall include a determination of the percentage of entities continuing in operation 3 years after the date on which the projects of the entities under this subsection were completed, beginning with grants awarded in fiscal year 2006.

“(C) PROHIBITION ON USE OF FUNDS.—

“(i) IN GENERAL.—None of the funds made available to carry out this subsection may be used to initiate or carry out any application or review process for any fiscal year under this subsection prior to the completion and publication of audits conducted by the Office of the Inspector General of the Department and the Comptroller General of the United States in accordance with this paragraph.

“(ii) LACK OF PROGRAM SUCCESS.—None of the funds made available to carry out this subsection may be used to initiate or carry out any application or review process for any fiscal year under this subsection if a determination is made under subparagraph (B) that less than 60 percent of grant recipients are continuing in operation 3 years after date on which the projects of the grant recipients were completed.

“(5) WEBSITE.—Notwithstanding any other provision of law, for each fiscal year for which grants are awarded under this subsection, the Secretary shall publish in an electronically searchable format and clearly

identify on the rural development website of the Department—

- “(A) the total number of grants awarded;
- “(B) the total dollar amount of grants awarded;
- “(C) the amount awarded to each grantee;
- “(D) the name of each grant recipient;
- “(E) a description of each grant; and
- “(F) beginning on the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2012—

“(i) an anonymous list of the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)) of each grant recipient;

“(ii) an anonymous list of each grant recipient who filed final reports under paragraph (2)(I)(i), including—

“(I) the average adjusted gross income disclosed on the grant application of the grant recipient; and

“(II) the average adjusted gross income disclosed on the final report submitted by the grant recipient;

“(iii) an anonymous list of each grant recipient who reported average adjusted gross income 3 years after the date of the submission of a final report under paragraph (2)(I)(ii), including—

“(I) the average adjusted gross income disclosed on the grant application of the grant recipient;

“(II) the average adjusted gross income disclosed on the final report submitted by the grant recipient; and

“(III) the average adjusted gross income disclosed 3 years after the date of the submission of the final report; and

“(iv) the percentage of grant recipients in operation 3 years after the date on which the grant recipients submitted final reports, as determined using the average adjusted gross income information submitted under paragraph (2)(I)(ii).

“(6) ADJUSTED GROSS INCOME LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a grant under this subsection if the average adjusted gross income of the person or legal entity exceeds \$1,000,000, as those terms are defined in sections 1001(a) and 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a), 1308-3a(a)).

“(7) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2013 through 2017.

“(B) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS, SOCIALLY DISADVANTAGED FARMERS, AND MID-TIER VALUE CHAINS.—

“(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund projects that benefit beginning farmers or socially disadvantaged farmers.

“(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this subsection to fund applications of eligible entities described in paragraph (2) that propose to develop mid-tier value chains.

“(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.

“(8) SENSE OF SENATE.—It is the sense of the Senate that—

“(A) the free flow of information from Federal agencies is critical to enable Congress

to perform its constitutionally required oversight obligations; and

“(B) the Department of Agriculture should endeavor to achieve transparency, cooperation, and expediency in interactions with Members of Congress.

**SA 2193.** Ms. AYOTTE 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:

At the appropriate place, insert the following:

**SEC. —. LIMITATIONS ON BONUS AUTHORITY; REPORTS ON TRAVEL EXPENSES.**

(a) LIMITATIONS ON BONUS AUTHORITY FOR EMPLOYEES UNDER INVESTIGATION.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

**“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY**

**“§ 4531. Employees under investigation**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘adverse finding’ relating to an employee of an agency means a determination that the conduct of the employee—

“(A) violated a policy of the agency; and

“(B) subjects the employee to removal;

“(2) the term ‘agency’ means—

“(A) an Executive department, as that term is defined under section 101; and

“(B) an independent establishment, as that term is defined under section 104; and

“(3) the term ‘bonus’ means any bonus or cash award, including—

“(A) an award under this chapter;

“(B) an award under section 5384; and

“(C) a retention bonus under section 5754.

“(b) ONGOING INVESTIGATIONS.—

“(1) IN GENERAL.—If an employee of an agency is the subject of an ongoing investigation by the Inspector General of the agency that may result in the removal of the employee, the head of the agency may determine to award a bonus to the employee, but may not pay a bonus to the employee.

“(2) CONCLUSION OF INVESTIGATION.—At the conclusion of an investigation described in paragraph (1) relating to an employee of an agency to whom the head of the agency determined during the period the investigation was ongoing to award a bonus—

“(A) if the Inspector General does not make an adverse finding relating to the employee, the head of the agency may pay the bonus to the employee; and

“(B) if the Inspector General makes an adverse finding relating to the employee—

“(i) that results in the removal of the employee, the head of the agency may not pay the bonus to the employee; and

“(ii) that results in an adverse action against the employee that is less severe than removal, the head of the agency may not pay the bonus, or award any bonus, to the employee during the 2-year period beginning on the date on which the Inspector General makes the adverse finding.

“(3) NOTICE.—The Inspector General of an agency shall notify the head of the agency if the Inspector General is conducting an investigation of an employee of the agency that may result in the removal of the employee.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

**“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY**

**“§ 4531. Employees under investigation.”.**

(b) REPORTS ON TRAVEL EXPENSES.—Section 6506 of title 5, United States Code, is amended by adding at the end the following:

“(e) REPORTS ON TRAVEL EXPENSES OF TELEWORKERS.—

“(1) DEFINITION.—In this subsection, the term ‘agency’ means—

“(A) an Executive department, as that term is defined under section 101; and

“(B) an independent establishment, as that term is defined under section 104.

“(2) REPORTS TO COMPTROLLER GENERAL.—Not later than December 31, 2012, and each year thereafter, the head of each agency, and the head of each part of an agency, shall submit to the Comptroller General a report that certifies that all travel expenses that the agency (or part thereof) paid for teleworking employees during the most recent full fiscal year accurately reflect the actual travel expenses incurred by the employees while teleworking.”.

**SA 2194.** Ms. AYOTTE 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 1009, after line 11, add the following:

**SEC. 12207. FIDUCIARY EXCLUSION UNDER ERISA.**

Section 3(21)(A) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(21)(A)) is amended by inserting “and except to the extent a person is providing an appraisal or fairness opinion with respect to qualifying employer securities (as defined in section 407(d)(5)) included in an employee stock ownership plan (as defined in section 407(d)(6)),” after “subparagraph (B),”.

**SA 2195.** Ms. AYOTTE 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:

At the appropriate place, insert the following:

**SEC. —. GAO CROP INSURANCE FRAUD REPORT.**

Section 515(d) of the Federal Crop Insurance Act (7 U.S.C. 1515(d)) is amended by adding at the end the following:

“(6) GAO CROP INSURANCE FRAUD REPORT.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study regarding fraudulent claims filed, and benefits provided, under this subtitle.”.

**SA 2196.** 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 38, strike line 13.

**SA 2197.** Mr. MCCAIN (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:

On page 14, strike lines 3 through 9.

**SA 2198.** Mr. MCCAIN (for himself, Mr. PAUL, 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:

Beginning on page 68, strike line 16 and all that follows through page 69, line 18, and insert the following:

#### Subtitle C—Sugar Program Repeal

##### SEC. 1301. REPEAL OF SUGAR PROGRAM.

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

##### SEC. 1302. 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 2013 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 of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2013 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.

(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. 1303. ELIMINATION OF SUGAR TARIFF AND OVER-QUOTA TARIFF RATE.

(a) ELIMINATION OF TARIFF ON RAW CANE SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.13 through 1701.14.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 1701.13, as in effect on the day before the date of the enactment of this section:

“	1701.13.00	Cane sugar specified in subheading note 2 to this chapter .....	Free		39.85¢/kg	
	1701.14.00	Other cane sugar .....	Free		39.85¢/kg	”.

(b) ELIMINATION OF TARIFF ON BEET SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking subheadings 1701.12 through

1701.12.50 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the

article description for subheading 1701.12, as in effect on the day before the date of the enactment of this section:

“	1701.12.00	Beet sugar .....	Free		42.05¢/kg	”.
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(c) ELIMINATION OF TARIFF ON CERTAIN REFINED SUGAR.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking the superior text immediately preceding subheading 1701.91.05 and by striking subheadings 1701.91.05 through 1701.91.30 and inserting in numerical sequence the following new subheading, with

the article description for such subheading having the same degree of indentation as the article description for subheading 1701.12.05, as in effect on the day before the date of the enactment of this section:

“	1701.91.02	Containing added coloring but not containing added flavoring matter .....	Free		42.05¢/kg	”.
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(2) by striking subheadings 1701.99 through 1701.99.50 and inserting in numerical sequence the following new subheading, with

the article description for such subheading having the same degree of indentation as the article description for subheading 1701.99, as

in effect on the day before the date of the enactment of this section:

“	1701.99.00	Other .....	Free		42.05¢/kg	”.
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(3) by striking the superior text immediately preceding subheading 1702.90.05 and by striking subheadings 1702.90.05 through

1702.90.20 and inserting in numerical sequence the following new subheading, with the article description for such subheading

having the same degree of indentation as the article description for subheading 1702.60.22:

“	1702.90.02	Containing soluble non-sugar solids (excluding any foreign substances, including but not limited to molasses, that may have been added to or developed in the product) equal to 6 percent or less by weight of the total soluble solids .....	Free		42.05¢/kg	”.
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and by striking subheadings 2106.90.42 through 2106.90.46 and inserting in numerical sequence the following new subheading, with the article description for such subheading having the same degree of indentation as the article description for subheading 2106.90.39:

“	2106.90.40	Syrups derived from cane or beet sugar, containing added coloring but not added flavoring matter .....	Free		42.50¢/kg	”.
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(d) CONFORMING AMENDMENT.—Chapter 17 of the Harmonized Tariff Schedule of the United States is amended by striking additional U.S. note 5.

(e) ADMINISTRATION OF TARIFF-RATE QUOTAS.—Section 404(d)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(1)) is amended—

(1) by inserting “or” at the end of subparagraph (B);

(2) by striking “; or” at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

##### SEC. 1304. APPLICATION.

Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall apply beginning with the 2013 crop of sugar beets and sugarcane.

**SA 2199.** Mr. MCCAIN (for himself, Mr. KERRY, Mr. COBURN, Mrs. SHAHEEN, Mr. CRAPO, and Mr. NELSON of Florida)

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, add the following:

##### SEC. 12207. REPEAL OF DUPLICATIVE PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of the Food, Conservation, and Energy Act (7 U.S.C. 8701 et seq.), section 11016 of that Act (Public Law 110-246; 122

Stat. 2130) and the amendments made by that section are repealed.

(b) APPLICATION.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) shall be applied and administered as if section 11016 of the Food, Conservation, and Energy Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section had not been enacted.

**SA 2200.** 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 338, between lines 6 and 7 insert the following:

(c) STATE OPTION FOR CASH EQUIVALENTS FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—Section 203B(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7505(a)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively; and

(2) by adding at the end the following:

“(3) STATE OPTION FOR CASH EQUIVALENTS FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—The Secretary shall allow a State the option of receiving a cash payment that is equal to 15 percent of the value of the commodities that the State would otherwise receive for a fiscal year under this Act, in lieu of receiving the commodities, to purchase locally produced commodities for use in accordance with this Act.”.

**SA 2201.** Mrs. SHAHEEN (for herself and Mr. TOOMEY) 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 944, after line 23, add the following:

**SEC. 11005. LIMITATION ON PAYMENT OF PORTION OF PREMIUM BY CORPORATION.**

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

“(8) LIMITATION.—

“(A) IN GENERAL.—Notwithstanding any other provision of this title, the total amount of premium paid by the Corporation on behalf of a person or legal entity, directly or indirectly, with respect to all policies issued to the person or legal entity under this title for a crop year shall be limited to a maximum of \$40,000.

“(B) RELATIONSHIP TO OTHER LAW.—To the maximum extent practicable, the Corporation shall carry out this paragraph in accordance with section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”.

**SA 2202.** Mr. BENNET (for himself 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 205, line 4, insert “by eligible entities” after “purchase”.

On page 207, lines 10 and 11, strike “contiguous acres” and insert “areas”.

On page 208, line 24, insert “if terms of the easement are not enforced by the holder of the easement” before the semicolon at the end.

**SA 2203.** Mr. BENNET (for himself and Mr. CRAPO) submitted an amend-

ment 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 206, line 17, strike “50 percent” and insert “1/3”.

On page 206, line 19, strike “In the case of” and insert the following:

“(i) COST SHARE.—In the case of”.

On page 206, between lines 23 and 24 insert the following:

“(ii) SOURCE OF CONTRIBUTION.—The Secretary may enter into an agreement with an eligible entity that waives the requirements of subparagraph (B)(ii) for a project of special environmental significance.”.

**SA 2204.** 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 652, between lines 12 and 13, insert the following:

**“SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.**

“(a) DEFINITIONS.—In this section:

“(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term ‘agency with rural responsibilities’ means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

“(2) PARTNERSHIP.—The term ‘Partnership’ means the State Rural Development Partnership continued by subsection (b).

“(3) STATE RURAL DEVELOPMENT COUNCIL.—The term ‘State rural development council’ means a State rural development council that meets the requirements of subsection (c).

“(b) PARTNERSHIP.—

“(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

“(2) PURPOSES.—The purposes of the Partnership are to empower and build the capacity of States, regions, and rural communities to design flexible and innovative responses to their rural development needs in a manner that maximizes collaborative public- and private-sector cooperation and minimizes regulatory redundancy.

“(3) COORDINATING PANEL.—A panel consisting of representatives of State rural development councils shall be established—

“(A) to lead and coordinate the strategic operation and policies of the Partnership; and

“(B) to facilitate effective communication among the members of the Partnership, including the sharing of best practices.

“(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership may be that of a partner and facilitator, with Federal agencies authorized—

“(A) to cooperate with States to implement the Partnership;

“(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

“(C) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and

“(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

“(c) STATE RURAL DEVELOPMENT COUNCILS.—

“(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

“(2) COMPOSITION.—A State rural development council shall—

“(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

“(B) have a nonpartisan and nondiscriminatory membership that—

“(i) is broad and representative of the economic, social, and political diversity of the State; and

“(ii) shall be responsible for the governance and operations of the State rural development council.

“(3) DUTIES.—A State rural development council shall—

“(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that have an impact on rural areas of the State;

“(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

“(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

“(D)(i) provide to the Secretary an annual plan with goals and performance measures; and

“(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

“(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

“(A) IN GENERAL.—A State Director for Rural Development of the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as voting members in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

“(B) CONFLICTS.—Participation by a Federal employee in a State rural development council in accordance with this paragraph shall not constitute a violation of section 205 or 208 of title 18, United States Code.

“(d) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

“(1) DETAIL OF EMPLOYEES.—

“(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period of up to 1 year.

“(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

“(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

“(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall

be responsible for providing administrative and technical assistance to a State rural development council, including administering the financial assistance available to the State rural development council.

“(e) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

“(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

“(A) to support 1 or more specific program or project activities; or

“(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

“(3) DEPARTMENT'S SHARE.—The Secretary shall develop a plan to decrease, over time, the share of the Department of Agriculture of the cost of the core operations of State rural development councils.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2013 through 2017.

“(2) FEDERAL AGENCIES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance to, or enter into contracts or cooperative agreements with, a State rural development council.

“(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that have an impact on rural areas to provide assistance to, and enter into contracts with, a State rural development council, as described in subparagraph (A).

“(3) CONTRIBUTIONS.—A State rural development council may accept private contributions.

“(g) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.”.

**SA 2205.** Ms. MURKOWSKI (for herself and Mr. BEGICH) 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 548, strike line 5 and all that follows through page 553, line 11 and insert the following:

“(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

“(I) rural water supply corporations, cooperatives, or similar entities;

“(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

“(III) rural or native villages in the State of Alaska;

“(IV) native tribal health consortiums;

“(V) public agencies; and

“(VI) Native Hawaiian Home Lands.

“(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

“(I) water supply systems; or

“(II) waste disposal facilities.

“(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

“(iv) CERTAIN AREAS TARGETED.—

“(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

“(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

“(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

“(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of—

“(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

“(bb) areas described under subclauses (III) and (VI) of clause (i).

“(C) LOANS AND GRANTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

“(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest not greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

“(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

“(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

“(I) directly to the individuals by the Secretary; or

“(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

“(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to

entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

“(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(i) for grants under this paragraph, \$60,000,000 for each fiscal year;

“(ii) for loans under this paragraph, \$60,000,000 for each fiscal year; and

“(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, \$20,000,000 for each fiscal year.

“(F) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the Secretary or any other Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this section.

**SA 2206.** Ms. MURKOWSKI (for herself, Mr. KERRY, and Mr. BROWN of Massachusetts) 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 522, strike line 15 and all that follows through page 523, line 2, and insert the following:

(12) FARM.—The term “farm” means an operation involved in—

“(A) the production of an agricultural commodity;

“(B) ranching;

“(C) aquaculture; or

“(D) in the case of chapter 2 of subtitle A, commercial fishing.

“(13) FARMER.—The term ‘farmer’ means an individual or entity engaged primarily and directly in—

“(A) the production of an agricultural commodity;

“(B) ranching;

“(C) aquaculture; or

“(D) in the case of chapter 2 of subtitle A, commercial fishing.

**SA 2207.** Ms. MURKOWSKI (for herself and Mr. BEGICH) 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 1009, after line 11, add the following:

**SEC. 12. REAUTHORIZATION OF DENALI COMMISSION.**

Subsection (a) of the first section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277) (relating to authorization of appropriations) is amended—

(1) by striking “section 4 under this Act” and inserting “section 304”; and

(2) by striking “for fiscal years 2000, 2001, 2002, and 2008” and inserting “for each of fiscal years 2012 through 2017.”.

**SA 2208.** Ms. MURKOWSKI (for herself and Mr. BEGICH) 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:

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

**SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR DWELLINGS WITH WATER CATCHMENT OR CISTERN SYSTEMS.**

Section 502(a) of the Housing Act of 1949 (42 U.S.C. 1472(a)) is amended by adding at the end the following:

“(4) The Secretary may not deny an application for a loan under this section solely on the basis that the application relates to a dwelling with a water catchment or cistern system.”.

**SA 2209.** Ms. MURKOWSKI (for herself and Mr. BEGICH) 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 548, strike line 5 and all that follows through page 553, line 11 and insert the following:

“(B) LOANS AND GRANTS TO PERSONS OTHER THAN INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems) and the installation or improvement of drainage or waste disposal facilities and essential community facilities, including necessary related equipment, training, and technical assistance to—

“(I) rural water supply corporations, cooperatives, or similar entities;

“(II) Indian tribes on Federal or State reservations and other federally recognized Indian tribes;

“(III) rural or native villages in the State of Alaska;

“(IV) native tribal health consortiums;

“(V) public agencies; and

“(VI) Native Hawaiian Home Lands.

“(ii) ELIGIBLE PROJECTS.—Loans and grants described in clause (i) shall be available only to provide the described water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the residents of the community do not have access to, or are not served by, adequate affordable—

“(I) water supply systems; or

“(II) waste disposal facilities.

“(iii) MATCHING REQUIREMENTS.—For entities described under subclauses (III), (IV), or (V) of clause (i) to be eligible to receive a grant for water supply systems or waste disposal facilities, the State in which the project will occur shall provide 25 percent in matching funds from non-Federal sources.

“(iv) CERTAIN AREAS TARGETED.—

“(I) IN GENERAL.—Loans and grants under clause (i) shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county or census area—

“(aa) the per capita income of the residents of which is not more than 70 percent of the national average per capita income, as determined by the Department of Commerce; and

“(bb) the unemployment rate of the residents of which is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

“(II) EXCEPTIONS.—Notwithstanding subclause (I), loans and grants under clause (i) may also be made if the loan or grant funds

will be used primarily to provide water or waste services, or both, to residents of—

“(aa) a rural area that was recognized as a colonia as of October 1, 1989; or

“(bb) areas described under subclauses (II), (III), and (VI) of clause (i).

“(C) LOANS AND GRANTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

“(ii) INTEREST.—Loans described in clause (i) shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time the loans are made.

“(iii) AMORTIZATION.—The repayment of loans described in clause (i) shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

“(iv) MANNER IN WHICH LOANS AND GRANTS ARE TO BE MADE.—Loans and grants to individuals under clause (i) shall be made—

“(I) directly to the individuals by the Secretary; or

“(II) to the individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing the water supply or waste disposal services, pursuant to regulations issued by the Secretary.

“(D) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants under subparagraphs (B) and (C) to entities described in clause (i) of subparagraph (B) that propose to provide water supply or waste disposal services to the residents of Indian reservations, rural or native villages in the State of Alaska, Native Hawaiian Home Lands, and those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

“(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(i) for grants under this paragraph, \$60,000,000 for each fiscal year;

“(ii) for loans under this paragraph, \$60,000,000 for each fiscal year; and

“(iii) in addition to grants provided under clause (i), for grants under this section to benefit Indian tribes, \$20,000,000 for each fiscal year.

“(F) RELATIONSHIP TO OTHER AUTHORITY.—Notwithstanding any other provision of law, the Secretary or any other Federal agency may enter into interagency agreements with Federal, State, tribal, and other entities to share resources, including transferring and accepting funds, equipment, or other supplies, to carry out the activities described in this section.

**SA 2210.** Mr. JOHANNIS 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 insert the following:

**SEC. 122. USE AND DISCHARGE OF PESTICIDES.**

(a) SHORT TITLE.—This section may be cited as the “Reducing Regulatory Burdens Act of 2012”.

(b) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f))

is amended by adding at the end the following:

“(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of—

“(A) a pesticide authorized for sale, distribution, or use under this Act; or

“(B) the residue of such a pesticide that results from the application of the pesticide.”.

(c) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of—

“(A) a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); or

“(B) the residue of such a pesticide that results from the application of the pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) Manufacturing or industrial effluent.

“(D) Treatment works effluent.

“(E) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

**SA 2211.** Mr. JOHANNIS 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 334, after line 22, insert the following:

**SEC. 4010. EMPLOYMENT AND TRAINING.**

(a) ADMINISTRATIVE COSTS.—Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended in the matter preceding paragraph (1), by inserting “(other than a program carried out under section 6(d)(4) or 20)” after “supplemental nutrition assistance program” the first place it appears.

(b) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—

(1) IN GENERAL.—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “\$90,000,000” and inserting “\$187,000,000”; and

(ii) in subparagraph (E)(i), by striking “\$20,000,000” and inserting “\$30,000,000”;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 17(b)(1)(B)(iv)(III)(hh) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(hh)) is amended by striking “, (g), (h)(2), or (h)(3)” and inserting “or (g)”.

(B) Section 22(d)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(d)(1)(B)(ii)) is amended by striking “, (g), (h)(2), and (h)(3)” and inserting “and (g)”.

(C) WORKFARE.—Section 20 of the Food and Nutrition Act of 2008 (7 U.S.C. 2029) is amended by striking subsection (g).

**SA 2212.** Mr. JOHANNIS (for himself and 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 1009, after line 11, add the following:

**SEC. 122. FARM DUST REGULATION PREVENTION.**

(a) SHORT TITLE.—This section may be cited as the “Farm Dust Regulation Prevention Act of 2012”.

(b) NUISANCE DUST.—Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

**“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.**

“(a) DEFINITION OF NUISANCE DUST.—

“(1) IN GENERAL.—In this section, the term ‘nuisance dust’ means particulate matter that—

“(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

“(B) consists primarily of soil, other natural or biological materials, or any combination of soil or other natural or biological materials;

“(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

“(D) is not comprised of residuals from the combustion of coal.

“(2) EXCLUSIONS.—The term ‘nuisance dust’ does not include radioactive particulate matter produced from uranium mining or processing.

“(b) APPLICABILITY.—Except as provided in subsection (c), any reference in this Act to particulate matter does not include nuisance dust.

“(c) EXCEPTION.—Subsection (b) does not apply to any geographical area in which nuisance dust is not regulated under State, tribal, or local law if the Administrator, in consultation with the Secretary of Agriculture, finds that—

“(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

“(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or any subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or any subcategory of nuisance dust).”.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator of the Environmental Protection Agency should implement an approach to excluding exceptional events, or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, tribes, and local governments bear in excluding exceptional events.

**SA 2213.** Mr. HELLER 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. PROHIBITION OF PARTICIPATION BY MEMBERS OF CONGRESS IN AGRICULTURAL PROGRAMS.**

No Member of Congress, spouse of a Member of Congress, or immediate family member of a Member of Congress shall participate in a program authorized under this Act or an amendment made by this Act.

**SA 2214.** Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. BURR, Mr. MCCAIN, Ms. AYOTTE, and Mr. MORAN) 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. PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.**

(a) IN GENERAL.—

(1) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(2) CLERICAL AMENDMENT.—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

(b) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF PAYMENTS TO CANDIDATES.—The third sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by striking “, section 9008(b)(3).”.

(2) REPORTS BY FEDERAL ELECTION COMMISSION.—Section 9009(a) of such Code is amended—

(A) by adding “and” at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4), (5), and (6).

(3) PENALTIES.—Section 9012 of such Code is amended—

(A) in subsection (a)(1), by striking the second sentence; and

(B) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(4) AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—The second sentence of section 9037(a) of such Code is amended by striking “and for payments under section 9008(b)(3).”.

(c) RETURN OF PREVIOUSLY SUBMITTED MONEY FOR DEFICIT REDUCTION.—Any amount which is returned by the national committee of a major party or a minor party to the general fund of the Treasury from an account established under section 9008 of the Internal Revenue Code of 1986 after the date of the enactment of this Act shall be dedicated to the sole purpose of deficit reduction.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after December 31, 2012.

**SA 2215.** Mr. TOOMEY 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 915, strike line 10, and all that follows through page 919, line 6.

**SA 2216.** Mr. TOOMEY 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 969, strike line 1, and all that follows through page 970, line 5.

**SA 2217.** Mr. TOOMEY 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 980, strike line 13, and all that follows through page 983, line 20.

**SA 2218.** Mr. TOOMEY 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 736, strike line 6, and all that follows through page 738, line 18.

**SA 2219.** Mr. CARDIN 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 271, between lines 4 and 5, insert the following:

**SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.**

(a) HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.—

(1) IN GENERAL.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);”.

(2) EXEMPTIONS.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking “(2) If,” and inserting the following:

“(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

“(A) IN GENERAL.—If,”;

(B) in the second sentence, by striking “In carrying” and inserting the following:

“(B) MINIMIZATION OF DOCUMENTATION.—In carrying”; and

(C) by adding at the end the following:

“(C) CROP INSURANCE.—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan.”.



(b) WETLAND CONSERVATION PROGRAM IN-ELIGIBILITY.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

“(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”.

**SA 2220.** Mr. WYDEN (for himself and 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:

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

**SEC. 12207. INDUSTRIAL HEMP.**

(a) EXCLUSION OF INDUSTRIAL HEMP FROM DEFINITION OF MARIHUANA.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (16)—

(A) by striking “(16) The” and inserting “(16)(A) The”; and

(B) by adding at the end the following:

“(B) The term ‘marihuana’ does not include industrial hemp.”; and

(2) by adding at the end the following:

“(57) The term ‘industrial hemp’ means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”.

(b) INDUSTRIAL HEMP DETERMINATION.—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

“(i) INDUSTRIAL HEMP DETERMINATION.—If a person grows or processes *Cannabis sativa* L. for purposes of making industrial hemp in accordance with State law, the *Cannabis sativa* L. shall be deemed to meet the concentration limitation under section 102(57).”.

**SA 2221.** Mr. WYDEN (for himself and Mr. LUGAR) 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 361, between lines 8 and 9, insert the following:

**SEC. 42 . TASK FORCE TO PROMOTE NATIONAL SECURITY BY REDUCING CHILDHOOD OBESITY.**

(a) FINDINGS.—Congress finds that, as of the date of enactment of this Act—

(1) the obesity epidemic has reached a crisis point that threatens the national security of the United States;

(2) in the past 3 decades, obesity rates have quadrupled for children ages 6 to 11;

(3)(A) Department of Defense data indicates that an alarming 75 percent of all young people in the United States ages 17 to 24 are unable to join the military; and

(B) obesity is the leading medical reason why applicants fail to qualify for military service;

(4) in April 2010, more than 100 of the top retired generals, admirals, and senior military leaders in the United States released a report entitled “Too Fat to Fight”, which urgently called on Congress to pass new child nutrition legislation that would—

(A) get junk food out of schools; and

(B) support increased funding to improve nutritional standards and the quality of meals served in schools;

(5) in May 2012, the Institute of Medicine released a report entitled “Accelerating

Progress in Obesity Prevention: Solving the Weight of the Nation”, which called for the establishment of a task force to examine evidence on the relationship between agricultural policy, the diet of the average American, and childhood obesity;

(6) a cooperative national effort by experts in agriculture, security, and health in the form of a scientifically rigorous task force is needed;

(7)(A) properly managed, the school environment can be instrumental in fostering healthful eating habits that will last a lifetime;

(B) unfortunately, some of the agricultural food and nutrition policies of the United States contribute to the obesity epidemic;

(C) Federal food and nutrition programs are woven into the fabric of the lives of children in the United States;

(D) every day, millions of children buy breakfast, lunch, and snacks in school; and

(E) funding for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) accounts for nearly 75 percent of the total cost of this Act;

(8) since the enactment of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.), there has been a sea change of interest and focus on the obesity epidemic in the United States;

(9) Congress should have the very best information when making policy decisions; and

(10) establishment of a task force will help to focus on the relationship between agricultural policies and obesity.

(b) PURPOSES.—The purposes of the Task Force established under this section are—

(1) to facilitate the next round of fact-based solutions to the obesity epidemic; and

(2) to build the foundation for evaluating and considering the very best available scientific evidence on the relationship between agriculture policies, the diet of the average American, childhood nutrition, and childhood obesity.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a task force to be known as the “Task Force to Promote National Security by Reducing Childhood Obesity” (referred to in this section as the “Task Force”).

(2) MEMBERSHIP.—

(A) ELIGIBILITY.—Members of the Task Force shall—

(i) have specialized training or significant experience in matters under the jurisdiction of the Task Force; and

(ii) represent, at a minimum—

(I) national security interests;

(II) national agricultural interests; and

(III) national health interests.

(B) COMPOSITION.—

(i) IN GENERAL.—The Task Force shall be composed of 15 members, in a manner that ensures fair and balanced representation of the national security, agriculture, and health sectors of the United States.

(ii) APPOINTMENT.—As soon as practicable after the date on which funds are first made available to carry out this section, members shall be appointed to the Task Force in accordance with the following requirements:

(I) 1 member shall be—

(aa) appointed by the Secretary to represent the Department of Agriculture; and

(bb) an expert in the field of agricultural policy as that field relates to childhood nutrition and childhood obesity.

(II) 1 member shall be—

(aa) appointed by the Secretary; and

(bb) an expert in the field of nutrition as that field relates to agricultural policy, childhood nutrition, and childhood obesity.

(III) 1 member shall be—

(aa) appointed by the Secretary to represent the Economic Research Service of the Department of Agriculture; and

(bb) an expert in the field of economics as that field relates to agricultural policy, childhood nutrition, and childhood obesity.

(IV) 3 members shall be appointed by the Secretary to represent the private agriculture industry, of whom—

(aa) all shall be experts in the respective fields of the members as those fields relate to agricultural policy, childhood nutrition, and childhood obesity;

(bb) 1 shall be a representative of the fruit and vegetable industry;

(cc) 1 shall be a representative of the grain-growing industry; and

(dd) 1 shall be a representative of the animal food products industry.

(V) 3 members shall be appointed by the Secretary of Defense to represent the Department of Defense, of whom—

(aa) all shall be experts in national security as that field relates to childhood nutrition and childhood obesity; and

(bb) 1 shall be a current or former senior noncommissioned officer with at least 2 years of experience in the physical training and conditioning of new recruits.

(VI) 2 members shall be appointed by the Secretary of Defense on the nomination of Mission: Readiness (or a successor entity).

(VII) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the Institute of Medicine of the National Academy of Sciences; and

(bb) an expert in the field of public health as that field relates to childhood nutrition and childhood obesity.

(VIII) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American Academy of Pediatrics; and

(bb) an expert in the field of pediatric public health as that field relates to childhood nutrition and childhood obesity.

(IX) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American College of Occupational and Environmental Medicine; and

(bb) an expert in the field of adult public health (as that field relates to childhood nutrition and childhood obesity) that has expertise in leveraging employer resources to improve the health of the children of the employees.

(X) 1 member shall be—

(aa) appointed by the Secretary of Health and Human Services on the nomination of the American College of Preventive Medicine; and

(bb) an expert in the field of preventative medicine as that field relates to childhood nutrition and childhood obesity.

(C) CHAIRPERSON.—The Secretary shall appoint 1 member of the Task Force to serve as chairperson for the duration of the proceedings of the Task Force.

(D) VICE CHAIRPERSON.—The Secretary of Defense shall appoint 1 member of the Task Force to serve as vice chairperson for the duration of the proceedings of the Task Force.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(4) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Task Force.

(B) VACANCIES.—A vacancy on the Task Force—

(i) shall not affect the powers of the Task Force; and

(ii) shall be filled in the same manner as the original appointment was made.

(5) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

(6) **MEETINGS.**—The Task Force shall meet at the call of the Chairperson.

(7) **QUORUM.**—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

(d) **DUTIES.**—

(1) **IN GENERAL.**—The Task Force shall evaluate—

(A) the implications of agricultural policies on the diet of the average American and childhood obesity; and

(B) how agricultural policy can be used to reduce childhood obesity to promote national security.

(2) **REQUIREMENTS.**—The Task Force shall—

(A) evaluate the evidence on the relationship between agricultural policies of the United States (including agricultural subsidies and the management of commodities) and the diet of the people of the United States, specifically the relationship between agricultural policies and childhood obesity;

(B) consider the current understanding and degree of implementation of using an optimal mix of crops and agricultural production methods so as to meet 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);

(C) develop recommendations for future policy options and policy-related research to address agricultural policies that are identified as potential contributors to childhood obesity;

(D) develop recommendations on how agricultural policy can be used to reduce childhood obesity to promote national security; and

(E) develop recommendations for establishing a formal process by which Federal food, agriculture, national security, and health officials would review and report on the possible implications of agricultural policies of the United States for obesity prevention, to ensure that this issue is fully taken into account each and every time that policymakers consider the Farm Bill reauthorization and other legislation affecting agricultural and nutrition policies.

(3) **REPORT.**—Not later than 1 year after the date on which all members of the Task Force are appointed, the Task Force shall submit to the Secretaries of Agriculture, Defense, and Health and Human Services, and to the appropriate committees of Congress, a report that contains—

(A) a detailed statement of the findings and conclusions of the Task Force; and

(B) the recommendations of the Task Force for such legislation and administrative actions as the Task Force considers appropriate.

(e) **POWERS.**—

(1) **HEARINGS.**—The Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

(2) **INFORMATION FROM FEDERAL AGENCIES.**—

(A) **IN GENERAL.**—The Task Force may secure directly from a Federal agency such information (other than classified or confidential information) as the Task Force considers necessary to carry out this section.

(B) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

(3) **POSTAL SERVICES.**—The Task Force may use the United States mails in the same

manner and under the same conditions as other agencies of the Federal Government.

(f) **TASK FORCE PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—

(A) **NON-FEDERAL EMPLOYEES.**—A member of the Task Force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Task Force.

(B) **FEDERAL EMPLOYEES.**—A member of the Task Force who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) **TRAVEL EXPENSES.**—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

(3) **STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Task Force may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Task Force to perform the duties of the Task Force.

(B) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Task Force.

(C) **COMPENSATION.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Chairperson of the Task Force may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(A) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

(B) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Task Force may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) **LIMITATION.**—No payment may be made under subsection (f) except to the extent provided for in advance in an appropriations Act.

(h) **TERMINATION OF TASK FORCE.**—The Task Force shall terminate 90 days after the date on which the Task Force submits the report of the Task Force under subsection (d)(3).

**SA 2222.** Mrs. McCASKILL 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 769, strike lines 12 through 16 and insert the following:

“section;

“(D) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section; and

“(E) with respect to an application for assistance under this section, shall—

“(i) promptly post on the website of the Rural Utilities Service—

“(I) an announcement that identifies—

“(aa) each applicant; and

“(bb) the amount and type of support requested by each applicant; and

“(II) a list of the census block groups or tracts that the applicant proposes to serve; and

“(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

“(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

“(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

“(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts.”.

**SA 2223.** Mrs. MCCASKILL (for herself and 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 1009, after line 11, add the following:

**SEC. 12207. DRIVING DISTANCE FOR PURPOSES OF PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.**

Section 14212(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 6932a(b)(1)) is amended by inserting “driving” after “20” each place it appears.

**SA 2224.** Mr. THUNE 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. . . . RULE RELATING TO CHILD LABOR.**

Notwithstanding any other provision of law, the Secretary of Labor shall not promulgate any regulation, including under the authority provided to enforce section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212), that addresses child labor as it relates to agriculture, without first consulting with and obtaining the approval of the Chairman and Ranking Member of Committee on Agriculture of the House of Representatives, the Chairman and Ranking Member of the Committee on Agriculture of the Senate, and the Secretary of Agriculture.

**SA 2225.** Mr. COBURN 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. \_\_\_\_ . PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE BY PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS.**

(a) **DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.**—In this section:

(1) **IN GENERAL.**—The term “seriously delinquent tax debt” means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) **EXCLUSIONS.**—The term “seriously delinquent tax debt” does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) **PROHIBITION.**—Notwithstanding any other provision of this Act or an amendment made by this Act, an individual or entity who has a seriously delinquent tax debt shall be ineligible to receive financial assistance (including any payment, loan, grant, contract, or subsidy) under this Act or an amendment made by this Act during the pendency of such seriously delinquent tax debt.

(c) **REGULATIONS.**—The Secretary of Agriculture, in conjunction with the Secretary of the Treasury, shall issue such regulations as the Secretary considers necessary to carry out this section.

**SA 2226.** Mr. TOOMEY 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 888, strike line 5, and all that follows through page 890, line 21.

**SA 2227.** Mr. LAUTENBERG 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 361, between lines 8 and 9, insert the following:

**SEC. 4208. STUDY ON SUGAR-SWEETENED BEVERAGES.**

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the impact of sugar-sweetened beverages on obesity and human health in the United States; and

(2) the impact on obesity and human health of public health proposals that affect the cost and size of sugar-sweetened beverages.

**SA 2228.** Ms. CANTWELL 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 361, between lines 8 and 9, insert the following:

**SEC. 4208. PULSE CROP PRODUCTS.**

(a) **PURPOSE.**—The purpose of this section is to encourage greater awareness and interest in the number and variety of pulse crop products available to schoolchildren, as recommended by 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).

(b) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE PULSE CROP.**—The term “eligible pulse crop” means dry beans, dry peas, lentils, and chickpeas.

(2) **PULSE CROP PRODUCT.**—The term “pulse crop product” means a food product derived in whole or in part from an eligible pulse crop.

(c) **PURCHASE OF PULSE CROPS AND PULSE CROP PRODUCTS.**—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase eligible pulse crops and pulse crop products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) **EVALUATION.**—Not later than September 30, 2016, the Secretary shall conduct an evaluation of the activities conducted under subsection (c), including—

(1) an evaluation of whether children participating in the school lunch and breakfast programs described in subsection (c) increased overall consumption of eligible pulse crops as a result of the activities;

(2) an evaluation of which eligible pulse crops and pulse crop products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of the use of pulse crop products in carrying out the school lunch and breakfast programs;

(4) an evaluation of any change in the nutrient composition in the school lunch and breakfast programs due to the activities; and

(5) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) **REPORT.**—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representative a report describing the results of the evaluation.

(f) **FUNDING.**—

(1) **IN GENERAL.**—On October 1, 2012, 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 \$5,000,000.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

**SA 2229.** Mr. BEGICH 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 D of title VII, add the following:

**SEC. 7409. AGRICULTURAL RESEARCH SERVICE FACILITIES.**

(a) **IN GENERAL.**—Subtitle F of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971 et seq.) is amended by adding at the end the following:

**“SEC. 253. AGRICULTURAL RESEARCH SERVICE FACILITIES.**

“The Agricultural Research Service shall operate at least 1 facility in each State.”.

(b) **CONFORMING AMENDMENT.**—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) (as amended by sections 4206(b) and 12201(b)) is amended—

(1) in paragraph (9), by striking “or” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(11) the authority of the Secretary to operate facilities under section 253.”.

**SA 2230.** Mr. BEGICH 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 564, between lines 10 and 11, insert the following:

“(h) **GRANTS AND LOAN GUARANTEES TO PROVIDE HOUSING FOR EDUCATORS, PUBLIC SAFETY OFFICERS, AND MEDICAL PROVIDERS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **EDUCATOR.**—The term ‘educator’ means an individual who—

“(i) is employed full-time as a teacher, principal, or administrator by—

“(I) a public elementary school or secondary school that provides direct services to students in grades prekindergarten through grade 12, or a Head Start program; and

“(II) meets the appropriate teaching certification or licensure requirements of the State for the position in which the individual is employed; or

“(ii) is employed full-time as a librarian, a career guidance or counseling provider, an education aide, or in another instructional or administrative position for a public elementary school or secondary school.

“(B) **MEDICAL PROVIDER.**—The term ‘medical provider’ means—

“(i) a licensed doctor of medicine or osteopathy;

“(ii) an American Indian, Alaska Native, or Native Hawaiian recognized as a traditional healing practitioner;

“(iii) a health care provider that—

“(I) is licensed or certified under Federal or State law, as applicable; and

“(II) is providing services that are eligible for coverage under a plan under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

“(iv) a provider authorized under section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616); or

“(v) any other individual that the Secretary determines is capable of providing health care services.

“(C) **PUBLIC SAFETY OFFICER.**—The term ‘public safety officer’ means an individual who is employed full-time—

“(i) as a law enforcement officer by a law enforcement agency of the Federal Government, a State, a unit of general local government, or an Indian tribe; or

“(ii) as a firefighter by a fire department of the Federal Government, a State, a unit of general local government, or an Indian tribe.

“(D) **QUALIFIED COMMUNITY.**—The term ‘qualified community’ means any open country, or any place, town, village, or city—

“(i) that is not part of or associated with an urban area; and

“(ii) that—

“(I) has a population of not more than 2,500; or

“(II)(aa) has a population of not more than 10,000; and

“(bb) is not accessible by a motor vehicle, as defined in section 30102 of title 49, United States Code.

“(E) QUALIFIED HOUSING.—The term ‘qualified housing’ means housing for educators, public safety officers, or medical providers that is located in a qualified community.

“(F) QUALIFIED PROJECT.—The term ‘qualified project’ means—

“(i) the construction, modernization, renovation, or repair of qualified housing;

“(ii) the payment of interest on bonds or other financing instruments (excluding instruments used for refinancing) that are issued for the construction, modernization, renovation, or repair of qualified housing;

“(iii) the repayment of a loan used—

“(I) for the construction, modernization, renovation, or repair of qualified housing; or

“(II) to purchase real property on which qualified housing will be constructed;

“(iv) purchasing or leasing real property on which qualified housing will be constructed, renovated, modernized, or repaired; or

“(v) any other activity normally associated with the construction, modernization, renovation, or repair of qualified housing, as determined by the Secretary.

“(G) EDUCATIONAL SERVICE AGENCY, ELEMENTARY SCHOOL, LOCAL EDUCATIONAL AGENCY, SECONDARY SCHOOL, STATE EDUCATIONAL AGENCY.—The terms ‘educational service agency’, ‘elementary school’, ‘local educational agency’, ‘secondary school’, and ‘State educational agency’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) GRANTS.—The Secretary may make a grant to an applicant to carry out a qualified project.

“(3) LOAN GUARANTEES.—The Secretary may guarantee a loan made to an applicant for the construction, modernization, renovation, or repair of qualified housing.

“(4) FINANCING MECHANISMS.—The Secretary may make payments of interest on bonds, loans, or other financial instruments (other than financial instruments used for refinancing) that are issued to an applicant for a qualified project.

“(5) APPLICATION.—An applicant that desires a grant, loan guarantee, or payment of interest under this subsection shall submit to the Secretary an application that—

“(A) indicates whether the qualified housing for which the grant, loan guarantee, or payment of interest is sought is located in a qualified community;

“(B) identifies the applicant;

“(C) indicates whether the applicant prefers to receive a grant, loan guarantee, or payment of interest under this subsection;

“(D) describes how the applicant would ensure the adequate maintenance of qualified housing assisted under this subsection;

“(E) demonstrates a need for qualified housing in a qualified community, which may include a deficiency of affordable housing, a deficiency of habitable housing, or the need to modernize, renovate, or repair housing;

“(F) describes the expected impact of the grant, loan guarantee, or payment of interest on—

“(i) educators, public safety officers, and medical providers in a qualified community, including the impact on recruitment and retention of educators, public safety officers, and medical providers; and

“(ii) the economy of a qualified community, including—

“(I) any plans to use small business concerns for the construction, modernization, renovation, or repair of qualified housing; and

“(II) the short- and long-term impact on the rate of employment in the qualified community; and

“(G) describes how the applicant would ensure that qualified housing assisted under this subsection is used for educators, public safety officers, and medical providers.

“(6) INPUT FROM STATE DIRECTOR OF RURAL DEVELOPMENT.—The State Director of Rural Development for a State may submit to the Secretary an evaluation of any application for a qualified project in the State for which an application for assistance under this subsection is submitted and the Secretary shall take into consideration the evaluation in determining whether to provide assistance.

“(7) PRIORITY.—In awarding grants and making loan guarantees and payments of interest under this subsection, the Secretary shall give priority to an applicant that is—

“(A) a State educational agency or local educational agency;

“(B) an educational service agency;

“(C) a State or local housing authority;

“(D) an Indian tribe or tribal organization, as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(E) a tribally designated housing entity;

“(F) a local government; or

“(G) a consortium of any of the entities described in subparagraphs (A) through (F).

“(8) LIMITATION.—The Secretary may provide assistance to the same applicant under only 1 of paragraphs (2), (3), and (4).

“(9) REQUIREMENT.—As a condition of eligibility for a grant, loan guarantee, or payment of interest under this subsection, at least 1 named applicant shall be required to maintain ownership of the qualified housing that is the subject of the grant, loan guarantee, or payment of interest during the greater of—

“(A) 15 years; or

“(B) the period of the loan for which a loan guarantee or payment of interest is made under this subsection.

“(10) REPORTING.—

“(A) BY APPLICANTS.—Not later than 2 years after the date on which an applicant receives a grant, loan guarantee, or payment of interest under this subsection, the applicant shall submit to the Secretary a report that—

“(i) describes how the grant, loan guarantee, or payment of interest was used; and

“(ii) contains an estimate of the number of jobs created or maintained by use of the grant, loan guarantee, or payment of interest.

“(B) BY GAO.—Not later than 2 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report evaluating the program under this subsection.

“(11) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for fiscal year 2012, and each fiscal year thereafter.

“(B) AVAILABILITY.—Any amounts appropriated to carry out this subsection shall remain available for obligation by the Secretary during the 3-year period beginning on the date of the appropriation.

“(C) USE OF FUNDS.—Of any amounts appropriated for a fiscal year to carry out this subsection, the Secretary shall use—

“(i) not less than 50 percent to make grants under this subsection;

“(ii) not more than 5 percent to carry out national activities under this subsection, including providing technical assistance and conducting outreach to qualified communities; and

“(iii) any amounts not expended in accordance with clauses (i) and (ii) to make loan

guarantees and payments of interest under this subsection.

**SA 2231.** Mr. WARNER 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 764, strike lines 9 through 15 and insert the following:

“(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

“(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

“(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

“(I) certified by the affected community, city, county, or designee; or

“(II) demonstrated on—

“(aa) the broadband map of the affected State if the map contains address-level data; or

“(bb) the National Broadband Map if address-level data is unavailable; and

“(iii) give a higher priority to applicants that have not previously received grants, loans, or loan guarantees under paragraph (1) and that are seeking to build out unserved areas or to upgrade rural households to the minimum acceptable level of broadband service established under subsection (e).

On page 765, line 22, strike “and” after the semicolon at the end.

On page 766, line 7, strike the period at the end and insert “; and”.

On page 766, between lines 7 and 8, insert the following:

“(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

On page 766, between lines 21 and 22, insert the following:

(i) by striking clause (i) and inserting the following:

“(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e);”;

On page 766, line 22, strike “(ii)” the first place it appears and insert “(iii)”.

On page 766, line 25, strike “(iii)” the first place it appears and insert “(iv)”.

On page 767, strike lines 8 through 18 and insert the following:

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “the proceeds of a loan made or guaranteed” and inserting “assistance”; and

(bb) by striking “for the loan or loan guarantee” and inserting “of the eligible entity”;

(II) in clause (i), by striking “is offered broadband service by not more than 1 incumbent service provider” and inserting “are

unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e)"; and

(III) in clause (ii), by striking "3" and inserting "2";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in subparagraph (B) (as so redesignated)—

(I) in the subparagraph heading, by striking "3" and inserting "2"; and

(II) in clause (i), by inserting "the minimum acceptable level of broadband service established under subsection (e) in" after "service to";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "loan or" and inserting "grant, loan, or"; and

(ii) in subparagraph (B), by adding at the end the following:

"(iii) INFORMATION.—Information submitted under this subparagraph shall be—

"(I) certified by the affected community, city, county, or designee; and

"(II) demonstrated on—

"(aa) the broadband map of the affected State if the map contains address-level data; or

"(bb) the National Broadband Map if address-level data is unavailable.";

(D) in paragraph (4)—

(i) by striking "Subject to paragraph (1)," and inserting the following:

"(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),"

(ii) by striking "loan or" and inserting "grant, loan, or"; and

(iii) by adding at the end the following:

"(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).";

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking "loan or" and inserting "grant, loan, or"; and

(ii) in subparagraph (C), by inserting "and proportion relative to the service territory," after "estimated number";

(F) in paragraph (6), by striking "loan or" and inserting "grant, loan, or";

On page 767, line 19, strike "(D)" and insert "(G)".

On page 767, line 22, strike "(E)" and insert "(H)".

On page 768, line 6, before the semicolon, insert the following: "including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure)".

On page 768, line 9, before the semicolon, insert the following: "including—

"(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

"(II) the speed of broadband service;

"(III) the price of broadband service;

"(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

"(V) any other metrics the Secretary determines to be appropriate

On page 769, strike lines 5 through 12 and insert the following:

"(C) shall, in addition to other authority under applicable law, establish written pro-

cedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

"(i) recover funds from loan defaults;

"(ii) (I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

"(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

"(iii) consolidate and minimize overlap among the programs; and".

On page 769, between lines 16 and 17, insert the following:

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

"(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

"(A) a 4-Mbps downstream transmission capacity; and

"(B) a 1-Mbps upstream transmission capacity.

"(2) ADJUSTMENTS.—At least once every 2 years, the Secretary shall adjust the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.";

On page 769, line 17, strike "(5)" and insert "(6)".

On page 769, between lines 19 and 20, insert the following:

(7) in subsection (g), by striking paragraph (2) and inserting the following:

"(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

"(A) consider whether the recipient would be serving an area that is unserved; and

"(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.";

On page 769, line 20, strike "(6)" and insert "(8)".

On page 769, strike lines 23 and 24 and insert the following:

(B) in paragraph (1)—

(i) by inserting "grants and" after "number of"; and

(ii) by inserting "including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas" before the semicolon at the end;

On page 770, line 5, strike "and"

On page 770, between lines 6 and 7, insert the following:

(E) in paragraph (5), by striking "and" at the end;

(F) in paragraph (6), by striking the period at the end and inserting "and";

(G) by adding at the end the following:

"(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

"(A) the number of residences and businesses receiving new broadband services;

"(B) network improvements, including facility upgrades and equipment purchases;

"(C) average broadband speeds and prices on a local and statewide basis;

"(D) any changes in broadband adoption rates; and

"(E) any specific activities that increased high speed broadband access for educational institutions, health care providers, and public safety service providers.";

On page 770, strike line 7 and insert the following:

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

"(k) BROADBAND BUILDOUT DATA.—

"(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

"(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the 'Administration'); and

"(B) not later than 30 days after the earlier of—

"(i) the date of completion of any project milestone established by the Secretary; or

"(ii) the date of completion of the project.

"(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

"(3) CORRECTIONS.—

"(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

"(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

"(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correction by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of making the grant or loan award decision.";

(11) in paragraph (1) of subsection (l) (as redesignated by paragraph (9))—

On page 770, strike line 12 and insert the following:

(12) in subsection (m) (as redesignated by paragraph (9))—

On page 770, strike line 12 and insert the following:

**SA 2232.** Mr. TESTER (for himself and Mr. THUNE) 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 the bill, add the following:

### **TITLE XIII—RECREATIONAL HUNTING, FISHING, AND SHOOTING**

#### **SEC. 13001. SHORT TITLE.**

This title may be cited as the "Sportsmen's Act of 2012".

#### **Subtitle A—Hunting, Fishing, and Recreational Shooting**

#### **PART I—HUNTING AND RECREATIONAL SHOOTING**

#### **SEC. 13101. MAKING PUBLIC LAND PUBLIC.**

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6) is amended to read as follows:

**“SEC. 3. AVAILABILITY OF FUNDS FOR CERTAIN PROJECTS.**

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts requested for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under subsection (b).

“(b) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

“(c) CRITERIA.—Projects identified on the priority list developed under subsection (b) shall secure recreational public access to Federal public land in existence as of the date of enactment of this section that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

**(b) CONFORMING AMENDMENTS.—**

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 460l-5(c)(2)), by striking “notwithstanding the provisions of section 3 of this Act”;

(B) in the first sentence of section 9 (16 U.S.C. 460l-10a), by striking “by section 3 of this Act”; and

(C) in the third sentence of section 10 (16 U.S.C. 460l-10b), by striking “by section 3 of this Act”.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460l-6)” and inserting “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.)”.

**SEC. 13102. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person who submits, with the permit application, proof that the polar bear—

“(I) was legally harvested by the person before February 18, 1997; or

“(II) was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations (or a successor regulation).

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102.”.

**SEC. 13103. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.**

The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a fire-

arm, including an assembled or functional firearm, at a water resources development project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

**SEC. 13104. TRANSPORTING BOWS THROUGH NATIONAL PARKS.**

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—Section 512(b) of the Credit CARD Act of 2009 (16 U.S.C. 1a-7b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “firearm including an assembled or functional firearm” and inserting “firearm (including an assembled or functional firearm) or bow”; and

(2) in paragraphs (1) and (2), by inserting “or bow or crossbow” after “firearm” each place it appears.

**PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT****SEC. 13201. TARGET PRACTICE AND MARKSMANSHIP TRAINING.**

This part may be cited as the “Target Practice and Marksmanship Training Support Act”.

**SEC. 13202. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

**SEC. 13203. DEFINITION OF PUBLIC TARGET RANGE.**

In this part, the term “public target range” means a specific location that—

- (1) is identified by a governmental agency for recreational shooting;
- (2) is open to the public;
- (3) may be supervised; and
- (4) may accommodate archery or rifle, pistol, or shotgun shooting.

**SEC. 13204. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”; and

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

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

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—



(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

#### SEC. 13205. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

### PART III—FISHING

#### SEC. 13301. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,”;

(2) in clause (vi) by striking the period at the end and inserting “, and”; and

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

#### SEC. 13302. PROHIBITION ON SALE OF BILLFISH.

(a) PROHIBITION.—No person shall offer for sale, sell, or have custody, control, or possession of for purposes of offering for sale or selling billfish or products containing billfish.

(b) PENALTY.—For purposes of section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)), a violation of this section shall be treated as an act prohibited by section 307 of that Act (16 U.S.C. 1857).

(c) EXEMPTION FOR TRADITIONAL FISHERIES AND MARKETS.—Subsection (a) does not apply to the State of Hawaii and Pacific Insular Area as defined in section 3(35) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(35)), except that billfish may be sold under this exemption only in the United States and the Pacific Insular Area.

(d) BILLFISH DEFINED.—In this section, the term “billfish”—

- (1) means any fish of the species—
  - (A) *Makaira nigricans* (blue marlin);
  - (B) *Kajikia audax* (striped marlin);
  - (C) *Istiompax indica* (black marlin);
  - (D) *Istiophorus platypterus* (sailfish);
  - (E) *Tetrapturus angustirostris* (shortbill spearfish);

(F) *Kajikia albida* (white marlin);

(G) *Tetrapturus georgii* (roundscale spearfish);

(H) *Tetrapturus belone* (Mediterranean spearfish); and

(I) *Tetrapturus pfluegeri* (longbill spearfish); and

(2) does not include the species *Xiphias gladius* (swordfish).

#### SEC. 13303. REPORT ON ARTIFICIAL REEFS IN THE GULF OF MEXICO.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Secretary of Commerce and the heads of other Federal and State agencies, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a plan to assess how best to integrate the goals of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2101 et seq.) and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(b) CONTENTS OF PLAN.—The plan required under subsection (a) shall include—

(1) an assessment of the capability of the Department of the Interior to identify and issue a public notice of platforms and related structures scheduled to be removed in 2012 and 2013 pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in the notice to lessees on the decommissioning for platforms and related structures in the Gulf of Mexico OCS Region (NTL No. 2010-G05) of the Department of the Interior;

(2) strategies for coordination with relevant Federal and State agencies and accredited marine research institutes and university marine biology departments to assess the biodiversity and critical habitat present at platforms and related structures subject to removal pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010-G05;

(3) an assessment of the potential impacts of the removal of the platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010-G05 on the Gulf of Mexico ecosystem and marine habitat;

(4) an assessment of the potential impacts of not removing the platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010-G05, including potential damage as a result of hurricanes and other incidents; and

(5) an assessment of the potential impacts of the removal of platforms and related structures on the rebuilding plans for Gulf reef fish and habitat, as developed by the National Marine Fisheries Service of the Department of Commerce.

(c) FINAL REPORT.—Not later than 18 months after the date of submission of the plan developed under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a final report that includes—

(1) a description of public comments from regional stakeholders, including recreational anglers, divers, offshore oil and gas companies, marine biologists, and commercial fishermen; and

(2) findings relative to comments developed under this subsection, including options

to mitigate potential adverse impacts on marine habitat associated with the removal of platforms and related structures pursuant to sections 250.1700 through 250.1754 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), and the timeframe set out in NTL No. 2010-G05.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section such sums as are necessary.

### Subtitle B—National Fish Habitat PART I—NATIONAL FISH HABITAT

#### SEC. 13401. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term “aquatic habitat” means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term “aquatic habitat” includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term “Board” means the National Fish Habitat Board established by section 13402(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms “conservation”, “conserve”, “manage”, and “management” mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 13404; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 13403(a).

(12) REAL PROPERTY INTEREST.—The term “real property interest” means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

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

(14) STATE AGENCY.—The term “State agency” means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

#### SEC. 13402. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the “National Fish Habitat Board” —

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{2}{3}$  of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 13403; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

#### SEC. 13403. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

#### SEC. 13404. FISH HABITAT CONSERVATION PROJECTS.

(a) **SUBMISSION TO BOARD.**—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) **RECOMMENDATIONS BY BOARD.**—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) **CONSIDERATIONS.**—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) **LIMITATIONS.**—

(1) **REQUIREMENTS FOR EVALUATION.**—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) **ACQUISITION OF REAL PROPERTY INTERESTS.**—

(A) **IN GENERAL.**—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) **REQUIREMENTS.**—

(i) **IN GENERAL.**—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) **ADDITIONAL CONDITIONS.**—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) **NON-FEDERAL CONTRIBUTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) **PROJECTS ON FEDERAL LAND OR WATER.**—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) **SPECIAL RULE FOR INDIAN TRIBES.**—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be

considered to be non-Federal funds for the purpose of paragraph (1).

(f) **APPROVAL.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) **FUNDING.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) **NOTIFICATION.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) **LIMITATION.**—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

#### SEC. 13405. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the “National Fish Habitat Conservation Partnership Office”, within the United States Fish and Wildlife Service.

(b) **FUNCTIONS.**—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding for the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach;

(2) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(3) facilitate the cooperative development and approval of Partnerships;

(4) assist the Secretary and the Board in carrying out this part;

(5) assist the Secretary in carrying out the requirements of sections 13406 and 13408;

(6) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(7) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(8) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(9) coordinate technical and scientific reporting as required by section 13409;

(10) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(11) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) **INTERAGENCY OPERATIONAL PLAN.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) **STAFF AND SUPPORT.**—

(1) **DEPARTMENTS OF INTERIOR AND COMMERCE.**—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 13413.

(2) **STATES AND INDIAN TRIBES.**—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) **DETAILÉES AND CONTRACTORS.**—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) **QUALIFICATIONS.**—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) **WAIVER OF REQUIREMENT.**—The Secretary may waive all or part of the non-Federal contribution requirement under section 13404(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) **REPORTS.**—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

#### **SEC. 13406. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

(a) **IN GENERAL.**—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

#### **SEC. 13407. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.**

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

#### **SEC. 13408. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

#### **SEC. 13409. ACCOUNTABILITY AND REPORTING.**

(a) **IMPLEMENTATION REPORTS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 13404(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 13404(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or re-ordering of the priority of each fish habitat conservation project recommended by the Board under section 13404(b) that was based on a factor other than the criteria described in section 13404(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian

tribes, or other entities to carry out fish habitat conservation projects.

(b) **STATUS AND TRENDS REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) **REVISIONS.**—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

#### **SEC. 13410. REGULATIONS.**

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

#### **SEC. 13411. EFFECT OF PART.**

(a) **WATER RIGHTS.**—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) **STATE AUTHORITY.**—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) **EFFECT ON INDIAN TRIBES.**—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) **ADJUDICATION OF WATER RIGHTS.**—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) **EFFECT ON OTHER AUTHORITIES.**—

(1) **ACQUISITION OF LAND AND WATER.**—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) **PRIVATE PROPERTY PROTECTION.**—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) **MITIGATION.**—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

#### **SEC. 13412. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

#### SEC. 13413. FUNDING.

(A) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2012 through 2016 to provide funds for fish habitat conservation projects approved under section 13404(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 13409, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 13405(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 13406—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) \$500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 3 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

#### PART II—DUCK STAMPS

##### SEC. 13501. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as “duck stamps”) were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than \$750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost \$1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of \$15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of \$306 to \$1,091 per acre.

##### SEC. 13502. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

“(b) COST OF STAMPS.—

“(1) IN GENERAL.—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

“(2) COLLECTION OF AMOUNTS.—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

“(3) AMOUNTS.—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

“(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

“(B) the sale of stamps under this section during that fiscal year.”

##### SEC. 13503. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting “and subsection (d)” after “paragraph (2)”; and

(2) by adding at the end the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

“(2) LIMITATION.—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).”

##### SEC. 13504. PERMANENT ELECTRONIC DUCK STAMPS.

(a) DEFINITIONS.—In this section:

(1) ACTUAL STAMP.—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

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

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

(c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features

of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) **PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.**—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) **STATE OBLIGATIONS AND AUTHORITIES.**—

(1) **DELIVERY OF ACTUAL STAMP.**—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) **COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.**—

(A) **REQUIREMENT TO TRANSMIT.**—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) **TIME OF TRANSMITTAL.**—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) **ADDITIONAL FEES NOT AFFECTED.**—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) **ELECTRONIC STAMP ISSUANCE FEE.**—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) **DUPLICATE ELECTRONIC STAMPS.**—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) **LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.**—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) **ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.**—

(1) **STAMP REQUIREMENTS.**—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) **RECOGNITION OF ELECTRONIC STAMP.**—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) **DURATION.**—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) **TERMINATION OF STATE PARTICIPATION.**—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

### **PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS**

#### **SEC. 13601. PURPOSES.**

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the “Joint Ventures Program”, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

#### **SEC. 13602. DEFINITIONS.**

In this part:

(1) **CONSERVATION ACTION.**—The term “conservation action” means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations,

their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(3) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means an Implementation Plan approved by the Director under section 13602.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **JOINT VENTURE.**—The term “Joint Venture” means a self-directed, voluntary partnership, established and conducted for the purposes described in section 13601 and in accordance with section 13603.

(6) **MANAGEMENT BOARD.**—The term “Management Board” means a Joint Venture Management Board established in accordance with section 13603.

(7) **MIGRATORY BIRDS.**—The term “migratory birds” means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) **PROGRAM.**—The term “Program” means the Joint Ventures Program conducted in accordance with this part.

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

(10) **SERVICE.**—The term “Service” means the United States Fish and Wildlife Service.

(11) **STATE.**—The term “State” means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

#### **SEC. 13603. JOINT VENTURES PROGRAM.**

(a) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) **COORDINATION WITH STATES.**—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.



**SEC. 13604. ADMINISTRATION.****(a) PARTNERSHIP AGREEMENTS.—**

(1) **IN GENERAL.**—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 13601.

(2) **ELIGIBLE PARTNERS.**—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

**(b) MANAGEMENT BOARD.—**

(1) **IN GENERAL.**—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) **MEMBERSHIP.**—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

**(c) IMPLEMENTATION PLAN.—**

(1) **IN GENERAL.**—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the

general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

**(E) An organizational plan that—**

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) **REVIEW.**—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 13601;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

**SEC. 13605. GRANTS AND OTHER ASSISTANCE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 13604.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

**SEC. 13606. REPORTING.**

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) **JOINT VENTURE PROGRAM 5-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) **REVIEW CONTENTS.**—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 13601;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) **CONSULTATION.**—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) **PUBLIC COMMENT.**—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

**SEC. 13607. RELATIONSHIP TO OTHER AUTHORITIES.**

(a) **AUTHORITIES, ETC. OF SECRETARY.**—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) **STATE AUTHORITY.**—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

**SEC. 13608. FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

**PART IV—REAUTHORIZATIONS****SEC. 13701. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking “2012” and inserting “2017”.

**SEC. 13702. PARTNERS FOR FISH AND WILDLIFE ACT.**

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2011” and inserting “2017”.

**SEC. 13703. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.**

(a) **BOARD OF DIRECTORS OF THE FOUNDATION.**—

(1) **IN GENERAL.**—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) **IN GENERAL.**—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) IN GENERAL.—Officers”; and

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

“(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) POWERS.—To carry out its purposes under” and inserting the following:

“(c) POWERS.—

“(1) IN GENERAL.—To carry out the purposes described in”;

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”;

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking “paragraph (3) or (4)” and inserting “subparagraph (C) or (D)”;

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

(G) by striking the undesignated matter at the end and inserting the following:

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protec-

tion, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

“(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

“(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.”;

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

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

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

“(A) \$20,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

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

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”;

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”; and

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

“(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

#### SEC. 13704. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “6 years”; and

(2) by adding at the end the following:

“(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.”.

#### SEC. 13705. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2012 through 2017”.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “2005 through 2009” and inserting “2012 through 2017”.

#### SEC. 13706. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

##### “SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2012 through 2017.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

**SEC. 13707. FEDERAL LAND TRANSACTION FACILITATION ACT.**

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “this Act” and inserting “the Sportsmen’s Act of 2012”; and

(B) in subsection (d), by striking “11” and inserting “21”;

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-586”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 118 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”.

**SA 2233.** Mrs. FEINSTEIN 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 953, strike line 8 and insert the following:

“(G) **REFERENCE PRICES.**—Beginning with the 2014 reinsurance year, the Corporation shall, through the Standard Reinsurance Agreement, calculate the reimbursement of administrative and operating costs using reference prices for covered commodities (as defined in section 1104 of the Agriculture Reform, Food, and Jobs Act of 2012) based on the average prices for the 1999 through 2008 crop years, as determined by the Corporation, in a manner that is budget neutral.”.

**SA 2234.** Mr. TESTER 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 829, strike lines 16 through 18 and insert the following:

(1) in subsection (a), by adding at the end the following:

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

“(A) **CONVENTIONAL BREEDING.**—The term ‘conventional breeding’ means the development of new varieties of an organism through controlled mating and selection without the use of transgenic methods.

“(B) **PUBLIC BREED.**—The term ‘public breed’ means a breed that is the commer-

cially available uniform end product of a publicly funded breeding program that—

“(i) has been sufficiently tested to demonstrate improved characteristics and stable performance; and

“(ii) remains in the public domain for research purposes.

“(C) **PUBLIC CULTIVAR.**—The term ‘public cultivar’ means a cultivar that is the commercially available uniform end product of a publicly funded breeding program that—

“(i) has been sufficiently tested to demonstrate improved characteristics and stable performance; and

“(ii) remains in the public domain for research purposes.”;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)(iii), by striking “conventional breeding, including cultivar and breed development,” and inserting “public cultivar development through conventional breeding with no requirement or preference for the use of marker-assisted or genomic selection methods, including”; and

(ii) in subparagraph (B)(iv), by striking “conventional breeding, including breed development,” and inserting “public breed development through conventional breeding with no requirement or preference for the use of marker-assisted or genomic selection methods, including”; and

(B) in paragraph (11)(A)—

(i) in the matter preceding clause (i), by striking “2012” and inserting “2017”;

(ii) in clause (i), by striking “and” at the end;

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

(iv) by adding at the end the following:

“(iii) not less than 5 percent shall be made available to make grants for research on conventional plant and animal breeding as described in paragraph (2).”; and

On page 829, line 19, strike “(2)” and insert “(3)”.

**SA 2235.** Mr. WYDEN 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. IMPROVING NUTRITION PILOT PROJECTS.**

Section 17(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)) is amended by adding at the end the following:

“(4) **IMPROVING NUTRITION PILOT PROJECTS.**—

“(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this paragraph, after providing notice but without regard to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’), the Secretary shall carry out on a trial basis in 5 or more States pilot projects to test program changes designed—

“(i) to improve the nutrition of supplemental nutrition assistance program beneficiaries; or

“(ii) to assist the beneficiaries in meeting Federal nutrition guidelines.

“(B) **PROJECT APPROVAL REQUIREMENTS.**—In selecting pilot projects under this paragraph, the Secretary shall give priority to projects—

“(i) that provide a reasonable expectation that—

“(I) under the project, the nutritional value of food purchased with supplemental nutrition assistance program benefits will increase; or

“(II) the project will assist supplemental nutritional assistance program beneficiaries in meeting Federal nutrition guidelines;

“(ii) that will be developed using a public process that shall include—

“(I) representatives of agricultural producers, program beneficiaries, anti-hunger advocates, and public health groups; and

“(II) solicitation of substantial public input for a period of not less than 90 days; and

“(iii) for which the responsible State or local authority guarantees that the State or local authority will maintain cost neutrality for the duration of the project.

“(C) **DURATION.**—

“(i) **IN GENERAL.**—Subject to clauses (ii) and (iii), a pilot project under this paragraph shall be authorized for not more than 5 years.

“(ii) **REPORT.**—As soon as practicable after the end of the 3-calendar-year period beginning on the date of implementation of a pilot project under this paragraph, the Secretary shall issue a comprehensive report that assesses whether or not the pilot project has met or will meet the stated goals of the project.

“(iii) **POSITIVE DETERMINATION.**—Only if the Secretary makes a positive determination in the report described in clause (ii) shall the pilot program continue for the remainder of the 5-year authorization.

“(D) **WAIVER.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the Secretary may waive any requirement of this Act to the extent necessary to carry out a project under this paragraph.

“(ii) **LIMITATION.**—A waiver granted under clause (i) shall not reduce the eligibility for, or amount of, benefits available to recipients under this Act.

“(iii) **REQUIREMENT.**—The Secretary shall approve or deny any waiver request made by a State for a project under this paragraph not later than 60 days after the date on which the Secretary receives the request.”.

**SA 2236.** Ms. MURKOWSKI (for herself and Mr. BEGICH) 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:

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

**SEC. 6203. LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949 FOR DWELLINGS WITH WATER CATCHMENT OR CISTERN SYSTEMS.**

Section 502(a) of the Housing Act of 1949 (42 U.S.C. 1472(a)) is amended by adding at the end the following:

“(4) The Secretary may not deny an application for a loan under this section solely on the basis that the application relates to a dwelling with a holding tank, water catchment or cistern system.”.

**SA 2237.** Mr. CASEY 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 387, strike lines 4 through 6 and insert the following:

“(2) **EXCLUSIONS.**—In this subsection, the term “direct operating loan” shall not include—

“(A) a loan made to a youth under subsection (d); or

“(B) a local market loan, as defined by the Secretary.

On page 389, line 18, insert “(including a local market loan, as defined by the Secretary)” after “A direct loan”.

On page 393, line 7, strike “The Secretary” and insert “Except as provided in paragraph (3), the Secretary”.

On page 394, between lines 6 and 7, insert the following:

“(3) LOCAL MARKET LOANS.—The Secretary shall not make or guarantee a local market loan (as defined by the Secretary) under this title if the local market loan would result in the total principal indebtedness outstanding at any 1 time for a local market loan made under this title to any 1 borrower to exceed \$50,000.

On page 395, line 22, insert “(including a local market loan)” after “a direct loan”.

On page 488, between lines 13 and 14, insert the following:

“(3) LOCAL MARKET LOANS.—In the case of a local market loan made or granted under this title, the Secretary shall contract with community-based nongovernmental organizations or other appropriate partners, as determined by the Secretary—

“(A) to assist borrowers in successfully identifying and meeting local market opportunities;

“(B) to provide technical assistance to borrowers; and

“(C) to provide business management and credit counseling services to borrowers.

On page 523, line 9, insert “(including a local market loan, as defined by the Secretary)” before “under section 3201”.

**SA 2238.** Mr. CASEY 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 110, line 7, strike “no less” and insert “more”.

On page 110, line 22, strike “no less” and insert “more”.

On page 112, after line 21, add the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the feasibility of establishing 2 classes of milk, a fluid class and a manufacturing class, to replace the 4-class system in effect on the date of enactment of this Act in administering Federal milk marketing orders.

(2) FEDERAL MILK MARKET ORDER REVIEW COMMISSION.—The Secretary may elect to use the Federal Milk Market Order Review Commission established under section 1509(a) of the Food, Conservation, and Energy Act of

2008 (Public Law 110-246; 122 Stat. 1726), or documents of the Commission, to conduct all or part of the study.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study required under this subsection, including any recommendations.

**SA 2239.** Mr. HARKIN 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 832, line 6, strike “\$50,000,000” and insert “\$100,000,000”.

**SA 2240.** Mr. THUNE (for himself, Mr. GRAHAM, Mr. RUBIO, and Mr. BOOZMAN) 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. . PERMANENT ESTATE TAX REPEAL.**

(a) IN GENERAL.—

(1) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

#### **“SEC. 2210. TERMINATION.**

“(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying on or after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012.

“(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012—

“(1) section 2056A(b)(1)(A) shall not apply to distributions made after the 10-year period beginning on such date, and

“(2) section 2056A(b)(1)(B) shall not apply on or after such date.”.

(2) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B of such Code is amended by adding at the end the following new section:

#### **“SEC. 2664. TERMINATION.**

“This chapter shall not apply to generation-skipping transfers on or after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012.”.

#### **(3) CONFORMING AMENDMENTS.—**

(A) The table of sections for subchapter C of chapter 11 of such Code is amended by adding at the end the following new item:

“Sec. 2210. Termination.”.

(B) The table of sections for subchapter G of chapter 13 of such Code is amended by adding at the end the following new item:

“Sec. 2664. Termination.”.

(4) RESTORATION OF PRE-EGTRRA PROVISIONS NOT APPLICABLE.—

(A) IN GENERAL.—Section 301 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 shall not apply to estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(B) EXCEPTION FOR STEPPED-UP BASIS.—Paragraph (1) shall not apply to the provisions of law amended by subtitle E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to carryover basis at death; other changes taking effect with repeal).

(5) SUNSET NOT APPLICABLE.—

(A) Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act in the case of estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(B) Section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is hereby repealed.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply to the estates of decedents dying, and generation-skipping transfers, after the date of the enactment of this Act.

(b) MODIFICATIONS OF GIFT TAX.—

(1) COMPUTATION OF GIFT TAX.—Subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) COMPUTATION OF TAX.—

“(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

“(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

“(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

“(2) RATE SCHEDULE.—

<b>“If the amount with respect to which the tentative tax to be computed is: .....</b>	<b>The tentative tax is:</b>
Not over \$10,000 .....	18% of such amount.
Over \$10,000 but not over \$20,000 .....	\$1,800, plus 20% of the excess over \$10,000.
Over \$20,000 but not over \$40,000 .....	\$3,800, plus 22% of the excess over \$20,000.
Over \$40,000 but not over \$60,000 .....	\$8,200, plus 24% of the excess over \$40,000.
Over \$60,000 but not over \$80,000 .....	\$13,000, plus 26% of the excess over \$60,000.
Over \$80,000 but not over \$100,000 .....	\$18,200, plus 28% of the excess over \$80,000.
Over \$100,000 but not over \$150,000 .....	\$23,800, plus 30% of the excess over \$100,000.
Over \$150,000 but not over \$250,000 .....	\$38,800, plus 32% of the excess of \$150,000.
Over \$250,000 but not over \$500,000 .....	\$70,800, plus 34% of the excess over \$250,000.
Over \$500,000 .....	\$155,800, plus 35% of the excess of \$500,000.”.

(2) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 of such Code is amended by adding at the end the following new subsection:

“(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor’s spouse under subpart E of part I of subchapter J of chapter 1.”.

(3) LIFETIME GIFT EXEMPTION.—Paragraph (1) of section 2505(a) of such Code is amended to read as follows:

“(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were \$5,000,000, reduced by”.

(4) CONFORMING AMENDMENTS.—

(A) Section 2505(a) of such Code is amended by striking the last sentence.

(B) The heading for section 2505 of such Code is amended by striking “unified”.

(C) The item in the table of sections for subchapter A of chapter 12 of such Code relating to section 2505 is amended to read as follows:

“Sec. 2505. Credit against gift tax.”.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to gifts made on or after the date of the enactment of this Act.

(6) TRANSITION RULE.—

(A) IN GENERAL.—For purposes of applying sections 1015(d), 2502, and 2505 of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as 2 separate calendar years one of which ends on the day before the date of the enactment of this Act and the other of which begins on such date of enactment.

(B) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as one preceding calendar period.

**SA 2241.** Mr. NELSON of Nebraska 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. \_\_\_\_ . HAZARDOUS MATERIAL ENDORSEMENT EXEMPTION.**

(a) EXCLUSION.—Section 5117(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less than is—

“(i) driven by a Class A commercial driver’s license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

“(ii) clearly marked with a placard reading ‘Diesel Fuel’.”.

(b) EXEMPTION.—Section 31315(b) of title 49, United States Code, is amended by adding at the end the following:

“(8) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all Class A commercial driver’s license holders who are custom harvesters, agricultural retailers, agricultural business employees, ag-

ricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous material endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading ‘Diesel Fuel’.”.

**SA 2242.** Mr. NELSON of Nebraska (for himself, Mr. JOHANNES, Mr. JOHNSON of South Dakota, and Mr. MORAN) 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. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.**

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking “1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010” and inserting “1990, 2000, or 2010 decennial census, and any area deemed to be a ‘rural area’ for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020”; and

(2) by striking “25,000” and inserting “35,000”.

**SA 2243.** Mr. NELSON of Nebraska 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. PERFORMANCE BONUS PAYMENTS.**

Section 16(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(d)) is amended by adding at the end the following:

“(5) USE OF PERFORMANCE BONUS PAYMENTS.—A State agency may use a performance bonus payment received under this subsection only to carry out the program established under this Act, including investments in—

“(A) technology;

“(B) improvements in administration and distribution; and

“(C) actions to prevent fraud, waste, and abuse.”.

**SA 2244.** Mr. FRANKEN 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 3 and 4, insert the following:

**SEC. 4001. ENHANCING SERVICES TO ELDERLY AND INDIVIDUALS WITH DISABILITIES SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM RECIPIENTS.**

(a) IN GENERAL.—Section 3(p) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

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

“(5) a public or private nonprofit food purchasing and delivery service that—

“(A) purchases food for, and delivers the food to, individuals who are—

“(i) unable to shop for food; and

“(ii)(I) not less than 60 years of age; or

“(II) individuals with disabilities;

“(B) clearly notifies the participating household at the time the household places a food order—

“(i) of any delivery fee associated with the food purchase and delivery provided to the household by the service; and

“(ii) that a delivery fee cannot be paid with benefits provided under the supplemental nutrition assistance program; and

“(C) sells food purchased for the household at the price paid by the service for the food without any additional cost markup.”.

(b) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) establish criteria to identify a food purchasing and delivery service described in section 3(p)(5) of the Food and Nutrition Act of 2008 (as added by subsection (a)(3)); and

(2) establish procedures to ensure that the service—

(A) does not charge more for a food item than the price paid by the service for the food item;

(B) offers food delivery service at no or low cost to households under that Act;

(C) ensures that benefits provided under the supplemental nutrition assistance program are used only to purchase food, as defined in section 3 of that Act (7 U.S.C. 2012);

(D) limits the purchase of food, and the delivery of the food, to households eligible to receive services described in section 3(p)(5) of that Act (as added by subsection (a)(3));

(E) has established adequate safeguards against fraudulent activities, including unauthorized use of electronic benefit cards issued under that Act; and

(F) such other requirements as the Secretary considers appropriate.

(c) LIMITATION.—Before the issuance of regulations under subsection (b), the Secretary may not approve more than 20 food purchasing and delivery services described in section 3(p)(5) of the Food and Nutrition Act of 2008 (as added by subsection (a)(3)) to participate as retail food stores under the supplemental nutrition assistance program.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 30 days after the date of the enactment of this Act.

**SA 2245.** Mr. HARKIN (for himself and Mr. CASEY) 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 387, strike lines 4 through 6, and insert the following:

“(2) EXCEPTIONS.—In this subsection, the term ‘direct operating loan’ shall not include—

“(A) a loan made to a youth under subsection (d); or

“(B) a microloan made to a young beginning farmer or rancher or a military veteran farmer, as defined by the Secretary.”.

On page 389, line 18, insert “(including a microloan, as defined by the Secretary)” after “A direct loan”.

On page 393, line 7, strike “The Secretary” and insert “Except as provided in subsection (c), the Secretary”.

On page 394, between lines 16 and 17, insert the following:

“(C) MICROLOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish a program to make or guarantee microloans.

“(2) LIMITATION.—The Secretary shall not make or guarantee a microloan under this chapter that would cause the total principal indebtedness outstanding at any 1 time for microloans made under this chapter to any 1 borrower to exceed \$35,000.

“(3) APPLICATIONS.—To the maximum extent practicable, the Secretary shall limit the administrative burdens and streamline the application and approval process for microloans under this subsection.

“(4) COOPERATIVE LENDING PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with community-based and nongovernmental organizations, State entities, or other intermediaries, as the Secretary determines appropriate—

“(i) to make or guarantee a microloan under this subsection; and

“(ii) to provide business, financial, marketing, and credit management services to borrowers.

“(B) REQUIREMENTS.—Before contracting with an entity described in subparagraph (A), the Secretary—

“(i) shall review and approve—

“(I) the loan loss reserve fund for microloans established by the entity; and

“(II) the underwriting standards for microloans of the entity; and

“(ii) establish such other requirements for contracting with the entity as the Secretary determines necessary.

On page 395, line 22, insert “a microloan to a beginning farmer or rancher or military veteran farmer or” before “a direct loan”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 7, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “Universal Service Fund Reform: Ensuring a Sustainable and Connected Future for Native Communities.”

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

### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 7, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2012, at 11:30 a.m.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to

meet during the session of the Senate on June 7, 2012, at 2:30 p.m.

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

### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 7, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, “Recommendations from the Blue Ribbon Commission on America’s Nuclear Future for a Consent-Based Approach to Siting Nuclear Waste Storage and Management Facilities.”

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

### SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 7, 2012, at 10:45 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, “The Path to Freedom: Countering Repression and Strengthening Civil Society in Cuba.”

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

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Nathan Engle, a legislative fellow in my office, be granted floor privileges for the consideration of S. 3240.

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

Ms. STABENOW. Mr. President, I ask unanimous consent that the following detailees: Maureen James, Marcus Graham, and Kevin Norton, be granted floor privileges for the duration of the consideration of S. 3240, the Agriculture Reform, Food and Jobs Act.

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

## TO ALLOW THE CHIEF OF THE FOREST SERVICE TO AWARD CERTAIN CONTRACTS FOR LARGE AIR TANKERS

Mr. REID. I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3261.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3261) to allow the Chief of the Forest Service to award certain contracts for large air tankers.

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

Mr. REID. Mr. President, I rise today to discuss the importance of updating our aging and diminishing fleet of air

tankers for emergency wildfire suppression operations.

Congress, the Forest Service, and communities sensitive to fire have known for a decade that we need to retire old air tankers. The tragic deaths this past weekend of two Forest Service contractors in an air tanker crash, and a crash landing at the Minden-Tahoe Airport near Carson City, remind us that further delay is unacceptable.

First, I would like to express my deep sorrow over the deaths of the two Forest Service contractors. Todd Tompkins and Ronnie Edwin Chambless were killed on Sunday as they dropped flame retardant from their P-2V7 heavy air tanker on the White Rock fire. At its highest point, the fire was ravaging nearly 5,000 acres in western Utah and southeastern Nevada, including sagebrush and other grasses in Lincoln County, NV.

Between the two of them, Captain Tompkins and First Officer Chambless had been flying for nearly three decades, including over a decade fighting fires. Captain Tompkins said he liked his work because it helped save communities and lives. Sadly, when he went into that mission on Sunday, he could not save his own.

My State has incurred much devastation from wildfires in recent years. These blazes have destroyed homes, displaced families and businesses, and wiped out both critical wildlife habitat and productive grazing lands.

Of course, without the brave work of the air tanker pilots dispatched to battle these fires, the damage could have been much worse. It is therefore critical that we help ensure these courageous men and women have the tools they need to conduct their important public safety work and preserve their own lives.

Today, we are asking for unanimous consent for Senate passage of legislation introduced by Senators WYDEN and BINGAMAN, S. 3261, which would allow the Forest Service to quickly complete the contracting process for acquiring at least seven new large air tankers to fight wildfires during the 2012 and 2013 fire seasons.

The Forest Service is contending with an aging fleet of aircraft. The agency is working with planes that were designed for combat in the Korean War. Finding parts for tankers a half-century old is difficult, leading them to be grounded for long periods of times when repairs are needed.

The Forest Service has said it needs between 18 and 28 new air tankers for optimal response to emergency response to wildfires. Today, however, there are only nine Forest Service tankers deemed airworthy to fight fires during what is expected to be a terrible fire season. If we act promptly, Congress has the opportunity to help the Forest Service put more tankers into service this year.

To partially satisfy the need for new air tankers, the Forest Service has requested that Congress waive a 30-day