

“(B) ENFORCEMENT.—Any district court of the United States within the jurisdiction of which an inquiry is carried, on application of the Attorney General, may, in the case of contumacy or refusal to permit entry under this section or to obey a subpoena of the Secretary issued under this section, issue an order requiring such entry or such compliance therewith. Any failure to obey such order of the court may be punished by such court as a contempt thereof.”

### TITLE III—EDUCATION ON HEALTH HAZARDS IN HOUSING

#### SEC. 301. HEALTHY HOME SEAL OF APPROVAL PROGRAM.

(a) ESTABLISHMENT.—There is established within the Environmental Protection Agency the following labeling programs:

(1) PRODUCTS AND MATERIALS LABELING PROGRAM.—A voluntary labeling program to evaluate consumer products intended for home use and housing materials to determine their efficacy in fostering a healthy home environment.

(2) CRITERIA FOR HOUSING LABELING PROGRAM.—A voluntary labeling program to expand upon the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) to establish health-promoting design and maintenance criteria for new and existing housing.

#### (b) DUTIES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Housing and Urban Development and the Director of the Centers for Disease Control and Prevention—

(A) promote the Healthy Home Seal of Approval for consumer products and materials, and for criteria for housing as the preferred options in the marketplace for achieving optimum indoor environmental quality and maximum occupant health;

(B) work to enhance public awareness of the Healthy Home Seal of Approval for consumer products and materials, and for criteria for housing, including by providing special outreach to small businesses;

(C) conduct research and provide sound science and methods to evaluate products, materials, and criteria for housing that preserves the integrity of the Healthy Home Seal of Approval for consumer products and materials, and for criteria for housing label;

(D) regularly update the requirements for the Healthy Home Seal of Approval for products and materials, and for criteria for housing;

(E) solicit comments from interested parties prior to establishing or revising a Healthy Home Seal of Approval, including a change to a product category, material category, specification, or criterion (or prior to effective dates for any such product category, material category, specification, or criterion);

(F) on adoption of a new or revised product category, material category, specification, or criterion in a Healthy Home Seal of Approval, provide reasonable notice to interested parties of any changes (including effective dates) in product categories, material categories, specifications, or criteria, along with—

(i) an explanation of the changes; and  
(ii) as appropriate, responses to comments submitted by interested parties; and

(G) provide appropriate lead time (which shall be 270 days, unless the Administrator specifies otherwise) prior to the applicable effective date for a new or a significant revision to a Healthy Home Seal of Approval, including a change to a product category, material category, specification, or criterion.

(2) LEAD TIME.—If a product category is revised in accordance with paragraph (1)(G),

the lead time shall take into account the timing requirements of the manufacturing, product marketing, and distribution process for the specific product addressed.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, \$6,000,000 for carrying out the activities under this section.

#### SEC. 302. OUTREACH ON HEALTH HAZARDS IN HOUSING.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, acting through the Office of Children’s Health Protection and Environmental Education, shall provide education and outreach to the general public on the—

(1) environmental health risks experienced by the elderly; and

(2) low-cost methods for addressing such risks.

(b) FOOD QUALITY PROTECTION.—Section 303 of the Food Quality Protection Act of 1996 (7 U.S.C. 136r–1) is amended—

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

“(a) PROGRAMS.—

“(1) IMPLEMENTATION.—The Secretary”;

(2) in the second sentence, by striking “Integrated Pest Management is” and inserting the following:

“(2) DEFINITION OF INTEGRATED PEST MANAGEMENT.—In this section, the term ‘Integrated Pest Management’ means”;

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

“(b) FEDERAL AGENCIES.—

“(1) AVAILABILITY OF INFORMATION.—The Secretary”;

(4) in the fourth sentence, by striking “Federal agencies” and inserting the following:

“(2) USE.—A Federal agency”;

(5) by adding at the end the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$300,000 for use by the Secretary of Agriculture; and

“(2) \$300,000 for use by the Administrator.”.

#### (c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall award funds for a Health Hazards Outreach competitive grant program.

(2) ELIGIBLE APPLICANTS.—Eligible applicants for a grant under paragraph (1) are national nonprofit organizations, and State and local entities, including community-based organizations and government health, environmental, and housing departments.

(3) ELIGIBLE ACTIVITIES.—Funds awarded under this subsection may be used to—

(A) document the need for healthy housing assessments or controls in a given community or communities;

(B) perform outreach and education with a community-level focus; and

(C) develop policy and capacity building approaches.

(4) COLLABORATION WITH LOCAL INSTITUTIONS.—Eligible applicants under this subsection are encouraged to—

(A) forge partnerships among State or local level government and nonprofit entities; and

(B) improve the incorporation of healthy housing principles into existing State and local systems where possible.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2009 through 2013—

(1) \$300,000 for carrying out the activities under subsection (a); and

(2) \$2,000,000 for carrying out the activities under subsection (c).

#### SEC. 303. NATIONAL HEALTHY HOUSING MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary of Housing and Urban Development, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency shall establish and maintain a national healthy housing media campaign.

(b) REQUIREMENTS OF CAMPAIGN.—The Secretary of Housing and Urban Development, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency shall—

(1) determine the design of the national healthy housing media campaign, including by—

(A) identifying the target audience;  
(B) formulating and packaging unified messages regarding—

(i) how best to assess health hazards in the home; and

(ii) how best to prevent and control health hazards in the home;

(C) identifying ideal mechanisms for dissemination;

(D) distributing responsibilities and establishing an ongoing system of coordination; and

(E) incorporating input from the target audience of the campaign;

(2) carry out the operation of a national healthy housing media campaign that—

(A) draws upon existing outreach and public education efforts to the maximum extent practicable;

(B) provides critical healthy housing information in a concise and simple manner; and

(C) uses multiple media strategies to reach the maximum number of people in the target audience as possible; and

(3) evaluate the performance of the campaign, including by—

(A) tracking the accomplishments of the campaign;

(B) identifying changes in healthy housing awareness, healthy housing activities, and the healthy housing conditions among the target audience of the campaign;

(C) assessing the cost-effectiveness of the campaign in achieving the goals of the campaign; and

(D) preparing a final evaluation report within 1 year of the close of the campaign, the results of which shall be posted on the website of each such agency.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, \$6,000,000 for carrying out the activities under this section.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 5679. Mr. CARDIN (for Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6849, to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

SA 5680. Mr. COBURN submitted an amendment intended to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; which was ordered to lie on the table.

SA 5681. Mr. COBURN submitted an amendment intended to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, supra; which was ordered to lie on the table.

SA 5682. Mr. COBURN submitted an amendment intended to be proposed by him to the House amendment to the Senate amendment to H.R. 2095, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 5679.** Mr. CARDIN (for Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6849, to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. TREATMENT OF FARMS WITH LIMITED BASE ACRES.

##### (a) SUSPENSION OF PROHIBITION.—

(1) IN GENERAL.—Section 1101(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(d)) is amended by adding at the end the following:

“(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 crop year.”.

(2) PEANUTS.—Section 1302(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8752(d)) is amended by adding at the end the following:

“(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 crop year.”.

(b) EXTENSION OF 2008 SIGNUP FOR DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—

(1) IN GENERAL.—Section 1106 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8716) is amended by adding at the end the following:

##### “(f) EXTENSION OF 2008 SIGNUP.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

“(A) November 14, 2008; or

“(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

“(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle or subtitle B is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.”.

(2) PEANUTS.—Section 1305 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8755) is amended by adding at the end the following:

##### “(f) EXTENSION OF 2008 SIGNUP.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

“(A) November 14, 2008; or

“(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

“(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.”.

(c) OFFSETTING REDUCTION.—Section 515(k)(1) of the Federal Crop Insurance Act (7 U.S.C. 1515(k)(1)) is amended by striking “2011” and inserting “2010, and not more than \$9,000,000 for fiscal year 2011”.

#### SEC. 2. SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM.

##### (a) FEDERAL CROP INSURANCE ACT.—

(1) DEFINITIONS.—Section 531(a) of the Federal Crop Insurance Act (7 U.S.C. 1531(a)) is amended—

(A) in paragraph (3)(B), by inserting “has” after “on a farm that”;

(B) in paragraph (4), by striking “section 1102 of the Farm Security and Rural Investment Act of 2002” and all that follows through the end of the paragraph and inserting “under—

“(i) section 1102 or 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912, 7952);

“(ii) section 1102 or 1301(6) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712, 8751(6)); or

“(iii) a successor section.”;

(C) in paragraph (5)(B)(ii), by striking “the total loss” and all that follows through the end of the paragraph and adding “the actual production on the farm is less than 50 percent of the normal production on the farm.”;

(D) in paragraph (7)—

(i) in subparagraph (A), by inserting “for sale or on-farm livestock feeding (including native grassland intended for haying)” after “harvest”; and

(ii) in subparagraph (C), by inserting “for sale” after “crop”;

(E) by redesignating paragraphs (2) through (4), (5) through (12), and (13) through (18) as paragraphs (3) through (5), (7) through (14), and (16) through (21), respectively;

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

“(2) ACTUAL PRODUCTION ON THE FARM.—

The term ‘actual production on the farm’ means the sum of the value of all crops produced on the farm, as determined under subsection (b)(6)(B).”;

(G) by inserting after paragraph (5) (as redesignated by subparagraph (E)) the following:

“(6) CROP OF ECONOMIC SIGNIFICANCE.—The term ‘crop of economic significance’ shall have the uniform meaning given the term by the Secretary for purposes of subsections (b)(1)(B) and (g)(6).”;

(H) by inserting after paragraph (14) (as redesignated by subparagraph (E)) the following:

“(15) NORMAL PRODUCTION ON THE FARM.—The term ‘normal production on the farm’ means the sum of the expected revenue for all crops on the farm, as determined under subsection (b)(6)(A).”.

(2) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—Section 531(b) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)) is amended—

(A) in paragraph (1)—

(i) by striking “(1) IN GENERAL.—The Secretary” and inserting the following:

“(1) PAYMENTS.—

“(A) IN GENERAL.—The Secretary”; and

(ii) by adding at the end the following:

“(B) CROP LOSS.—To be eligible for crop loss assistance under this subsection, the actual production on the farm for at least 1 crop of economic significance shall be reduced by at least 10 percent due to disaster, adverse weather, or disaster-related conditions.”;

(B) in paragraph (2), by adding at the end the following:

“(C) EXCLUSION OF SUBSEQUENTLY PLANTED CROPS.—In calculating the disaster assistance program guarantee under paragraph (3) and the total farm revenue under paragraph (4), the Secretary shall not consider the value of any crop that—

“(i) is produced on land that is not eligible for a policy or plan of insurance under subtitle A or assistance under the noninsured crop assistance program; or

“(ii) is subsequently planted on the same land during the same crop year as the crop for which disaster assistance is provided under this subsection, except in areas in which double-cropping is a normal practice, as determined by the Secretary.”;

(C) in paragraph (3)(A)(ii)(III)—

(i) in the matter before item (aa), by inserting “50 percent of” before “the higher of”;

(ii) in item (aa), by striking “guarantee”;

(D) in paragraph (4)—

(i) in subparagraph (A)(i)—

(I) by striking subclauses (I) and (II) and inserting the following:

“(I) the actual production by crop on a farm for purposes of determining losses under subtitle A or the noninsured crop assistance program; and”;

(II) by redesignating subclause (III) as subclause (II);

(ii) in subparagraph (B)—

(I) in clause (i), by striking “and” at the end;

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

(iii) by adding at the end the following:

“(iii) as the Secretary determines appropriate, to reflect regional variations in a manner consistent with the operation of the crop insurance program under subtitle A and the noninsured crop assistance program.”;

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “the sum obtained by adding”;

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “the product” and inserting “for each insurable commodity, the product”;

(II) in clause (i), by striking “greatest” and inserting “greater”;

(III) in clause (iii), by striking “of the insurance price guarantee; and” and inserting “of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and”;

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “the product” and inserting “for each noninsurable crop, the product”;

(II) in clause (i), by striking “and” at the end;

(III) by redesignating clause (ii) as clause (iii); and

(IV) by inserting after clause (i) the following:

“(ii) the acreage planted or prevented from being planted for each crop; and”;

(F) by adding at the end the following:

“(6) PRODUCTION ON THE FARM.—

“(A) NORMAL PRODUCTION ON THE FARM.—The normal production on the farm shall equal the sum of the expected revenue for each crop on a farm as determined under paragraph (5).