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

SA 2315. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2316. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2317. Mr. LEE (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 2318. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2319. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2320. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2321. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2322. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2323. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2324. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2325. Mr. CHAMBLISS (for himself, Mr. COCHRAN, Mr. BOOZMAN, Mr. ISAKSON, Mr. PRYOR, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2326. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2327. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2328. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2329. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2330. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2331. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2332. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2333. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2334. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2335. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2336. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2337. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2338. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2339. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2340. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2341. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2342. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, supra; which was ordered to lie on the table.

SA 2343. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 2246. Mr. BLUNT 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 999, strike line 13 and insert the following:

''actions with employees of the Department.

''(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education, or nonprofit organizations for—

''(1) the conduct of regional research on the profitability of small farms;

''(2) the development of educational materials;

''(3) the conduct of workshops, courses, and certified vocational training;

''(4) the conduct of mentoring activities; or

''(5) the provision of internship opportunities.''.

SA 2247. Mr. TOOMEY (for himself, Mr. PRYOR, Mr. INHOFE, Mr. BOOZMAN, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122____. CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) community water systems play an important role in rural United States infrastructure; and

(2) since rural water infrastructure projects are routinely funded under the rural development programs of the Department of Agriculture, Congress should strive to reduce the regulatory and paperwork burdens placed on community water systems.

(b) METHOD OF DELIVERING REPORT.—Section 1414(c)(4)(A) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)(4)(A)) is amended—

(1) in the first sentence, by striking ''The Administrator, in consultation'' and inserting the following:

''(i) IN GENERAL.—The Administrator, in consultation'';

(2) in clause (i) (as designated by paragraph (1)), in the first sentence, by striking ''to mail to each customer'' and inserting ''to provide, in accordance with clause (ii) or (iii), as applicable, to each customer''; and

(3) by adding at the end the following:

''(ii) MAILING REQUIREMENT FOR VIOLATION OF MAXIMUM CONTAMINANT LEVEL.—If a violation of the maximum contaminant level for any regulated contaminant has occurred during the year concerned, the regulations under clause (i) shall require the applicable community water system to mail a copy of the consumer confidence report to each customer of the system.

''(iii) MAILING REQUIREMENT ABSENT ANY VIOLATION OF MAXIMUM CONTAMINANT LEVEL.—

''(I) IN GENERAL.—If no violation of the maximum contaminant level for any regulated contaminant has occurred during the year concerned, the regulations under clause (i) shall require the applicable community water system to make the consumer confidence report available by, at the discretion of the community water system—

''(aa) mailing a copy of the consumer confidence report to each customer of the system; or

''(bb) subject to subclause (II), making a copy of the consumer confidence report available on a publicly accessible Internet site of the community water system and by mail, at the request of a customer.

''(II) REQUIREMENTS.—If a community water system elects to provide consumer confidence reports to consumers under subclause (I)(bb), the community water system shall provide to each customer of the community water system, in plain language and in the same manner (such as in printed or electronic form) in which the customer has elected to pay the bill of the customer, notice that—

''(aa) the community water system has remained in compliance with the maximum contaminant level for each regulated contaminant during the year concerned; and

''(bb) a consumer confidence report is available on a publicly accessible Internet site of the community water system and, on request, by mail.''.

(c) CONFORMING AMENDMENTS.—Section 1414(c)(4) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)(4)) is amended—

(1) in subparagraph (C), in the matter preceding clause (i), by striking ''mailing requirement of subparagraph (A)'' and inserting ''mailing requirement of clause (ii) or (iii) of subparagraph (A)''; and

(2) in subparagraph (D), in the first sentence of the matter preceding clause (i), by

striking ''mailing requirement of subparagraph (A)'' and inserting ''mailing requirement of clause (ii) or (iii) of subparagraph (A)''.

(d) APPLICATION; ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—The amendments made by this section take effect on the date that is 90 days after the date of the enactment of this Act.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate any revised regulations and take any other actions necessary to carry out the amendments made by this section.

SA 2248. 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:

Beginning on page 1 of the amendment, strike line 10 and all that follows through the end of the amendment and insert the following:

''(3) STATE OPTION FOR CASH EQUIVALENT OF CERTAIN PERCENTAGE OF COMMODITIES FOR PURCHASE OF LOCALLY PRODUCED COMMODITIES.—For not more than 15 percent of the commodities that a State would otherwise receive for a fiscal year under this Act, the Secretary shall allow the State the option of receiving a cash payment equal to the value of that percentage of the commodities, in lieu of receiving the commodities, to purchase locally produced commodities for use in accordance with this Act.''.

SA 2249. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle A—Nutrition Assistance Block Grant Program

SEC. 4001. NUTRITION ASSISTANCE BLOCK GRANT PROGRAM.

(a) IN GENERAL.—For each of fiscal years 2014 through 2021, the Secretary shall establish a nutrition assistance block grant program under which the Secretary shall make annual grants to each participating State that establishes a nutrition assistance program in the State and submits to the Secretary annual reports under subsection (d).

(b) REQUIREMENTS.—As a requirement of receiving grants under this section, the Governor of each participating State shall certify that the State nutrition assistance program includes—

(1) work requirements;

(2) mandatory drug testing; and

(3) limitations on the eligible uses of benefits that are at least as restrictive as the limitations in place for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) as of May 31, 2012.

(c) AMOUNT OF GRANT.—For each fiscal year, the Secretary shall make a grant to each participating State in an amount equal to the product of—

(1) the amount made available under section 4002 for the applicable fiscal year; and

(2) the proportion that—

(A) the number of legal residents in the State whose income does not exceed 100 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size involved; bears to

(B) the number of such individuals in all participating States for the applicable fiscal year, based on data for the most recent fiscal year for which data is available.

(d) ANNUAL REPORT REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1 of each year, each State that receives a grant under this section shall submit to the Secretary a report that shall include, for the year covered by the report—

(A) a description of the structure and design of the nutrition assistance program of the State, including the manner in which residents of the State qualify for the program;

(B) the cost the State incurs to administer the program;

(C) whether the State has established a rainy day fund for the nutrition assistance program of the State; and

(D) general statistics about participation in the nutrition assistance program.

(2) AUDIT.—Each year, the Comptroller General of the United States shall—

(A) conduct an audit on the effectiveness of the nutritional assistance block grant program and the manner in which each participating State is implementing the program; and

(B) not later than June 30, submit to the appropriate committees of Congress a report describing—

(i) the results of the audit; and

(ii) the manner in which the State will carry out the supplemental nutrition assistance program in the State, including eligibility and fraud prevention requirements.

(e) USE OF FUNDS.—

(1) IN GENERAL.—A State that receives a grant under this section may use the grant in any manner determined to be appropriate by the State to provide nutrition assistance to the legal residents of the State.

(2) AVAILABILITY OF FUNDS.—Grant funds made available to a State under this section shall—

(A) remain available to the State for a period of 5 years; and

(B) after that period, shall—

(i) revert to the Federal Government to be deposited in the Treasury and used for Federal budget deficit reduction; or

(ii) if there is no Federal budget deficit, be used to reduce the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SEC. 4002. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) for fiscal year 2014, $44,400,000,000;

(2) for fiscal year 2015, $45,500,000,000;

(3) for fiscal year 2016, $46,600,000,000;

(4) for fiscal year 2017, $47,800,000,000;

(5) for fiscal year 2018, $49,000,000,000;

(6) for fiscal year 2019, $50,200,000,000;

(7) for fiscal year 2020, $51,500,000,000; and

(8) for fiscal year 2021, $52,800,000,000.

(b) DISCRETIONARY CAP ADJUSTMENT FOR NEW PROGRAM SPENDING.—Section 251A(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B)(ii), by striking the figure and inserting $554,400,000,000;

(2) in subparagraph (C)(ii), by striking the figure and inserting $565,500,000,000;

(3) in subparagraph (D)(ii), by striking the figure and inserting $576,600,000,000;

(4) in subparagraph (E)(ii), by striking the figure and inserting $588,800,000,000;

(5) in subparagraph (F)(ii), by striking the figure and inserting $602,000,000,000;

(6) in subparagraph (G)(ii), by striking the figure and inserting $616,200,000,000;

(7) in subparagraph (H)(ii), by striking the figure and inserting $629,500,000,000; and

(8) in subparagraph (I)(ii), by striking the figure and inserting $642,800,000,000.

SEC. 4003. REPEAL.

(a) IN GENERAL.—Effective September 30, 2013, the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is repealed.

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

SA 2250. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122___. MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

The Administrator of the Environmental Protection Agency shall not propose any new regulation relating to municipal and industrial stormwater discharges under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) until the date on which the Administrator—

(1) completes the evaluation described in section 122.37 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(2) submits to Congress a report detailing the results of that evaluation.

SA 2251. Mr. INHOFE (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. EXEMPTION FROM SPCC REGULATIONS FOR FARMS.

(a) IN GENERAL.—A farm (as defined in section 112.2 of title 40, Code of Federal Regulations (or successor regulations)) with 1 or more diesel or gasoline aboveground storage tanks that have an aggregate storage capacity of less than 12,000 gallons shall be exempt from all spill prevention, control, and countermeasure requirements under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) CERTIFICATION.—Notwithstanding any other provision of law, for purposes of any spill prevention, control, and countermeasure plan under part 112 of title 40, Code of Federal Regulations (or successor regulations), the Administrator of the Environmental Protection Agency shall allow an owner of any farm to self-certify the plan, regardless of the aboveground fuel storage capacity on the farm.

SA 2252. Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. BROWN of Massachusetts, Ms. CANTWELL, Ms. COLLINS, Mr. KERRY, Mr. LIEBERMAN, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. VITTER, Mr. WYDEN, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122____. UNIFORM NATIONAL STANDARD FOR HOUSING AND TREATMENT OF EGG-LAYING HENS.

(a) SHORT TITLE.—This section may be cited as the ''Egg Products Inspection Act Amendments of 2012''.

(b) HEN HOUSING AND TREATMENT STANDARDS.—

(1) DEFINITIONS.—Section 4 of the Egg Products Inspection Act (21 U.S.C. 1033) is amended—

(A) by redesignating subsection (a) as subsection (c);

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (f), (g), (h), (i), (j), and (k), respectively;

(C) by redesignating subsections (h) and (i) as subsections (n) and (o), respectively;

(D) by redesignating subsections (j), (k), and (l) as subsections (r), (s), and (t), respectively;

(E) by redesignating subsections (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), and (z) as subsections (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), and (ii), respectively;

(F) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

''(a) The term 'adequate environmental enrichments' means adequate perch space, dust bathing or scratching areas, and nest space, as defined by the Secretary of Agriculture, based on the best available science, including the most recent studies available at the time that the Secretary defines the term. The Secretary shall issue regulations defining this term not later than January 1, 2017, and the final regulations shall go into effect on December 31, 2018.

''(b) The term 'adequate housing-related labeling' means a conspicuous, legible marking on the front or top of a package of eggs accurately indicating the type of housing that the egg-laying hens were provided during egg production, in one of the following formats:

''(1) 'Eggs from free-range hens' to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production—

''(A) not housed in caging devices; and

''(B) provided with outdoor access.

''(2) 'Eggs from cage-free hens' to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, not housed in caging devices.

''(3) 'Eggs from enriched cages' to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that—

''(A) contain adequate environmental enrichments; and

''(B) provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.

''(4) 'Eggs from caged hens' to indicate that the egg-laying hens from which the eggs or egg products were derived were, during egg production, housed in caging devices that either—

''(A) do not contain adequate environmental enrichments; or

''(B) do not provide the hens a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen.'';

(G) by inserting after subsection (c), as redesignated by subparagraph (A), the following new subsections:

''(d) The term 'brown hen' means a brown egg-laying hen used for commercial egg production.

''(e) The term 'caging device' means any cage, enclosure, or other device used for the housing of egg-laying hens for the production of eggs in commerce, but does not include an open barn or other fixed structure without internal caging devices.'';

(H) by inserting after subsection (k), as redesignated by subparagraph (B), the following new subsections:

''(l) The term 'egg-laying hen' means any female domesticated chicken, including white hens and brown hens, used for the commercial production of eggs for human consumption.

''(m) The term 'existing caging device' means any caging device that was continuously in use for the production of eggs in commerce up through and including December 31, 2011.'';

(I) by inserting after subsection (o), as redesignated by subparagraph (C), the following new subsections:

''(p) The term 'feed-withdrawal molting' means the practice of preventing food intake for the purpose of inducing egg-laying hens to molt.

''(q) The term 'individual floor space' means the amount of total floor space in a caging device available to each egg-laying hen in the device, which is calculated by measuring the total floor space of the caging device and dividing by the total number of egg-laying hens in the device.'';

(J) by inserting after subsection (t), as redesignated by subparagraph (D), the following new subsection:

''(u) The term 'new caging device' means any caging device that was not continuously in use for the production of eggs in commerce on or before December 31, 2011.''; and

(K) by inserting at the end the following new subsections:

''(jj) The term 'water-withdrawal molting' means the practice of preventing water intake for the purpose of inducing egg-laying hens to molt.

''(kk) The term 'white hen' means a white egg-laying hen used for commercial egg production.''.

(2) HOUSING AND TREATMENT OF EGG-LAYING HENS.—The Egg Products Inspection Act (21 U.S.C. 1031 et seq.) is amended by inserting after section 7 the following new sections:

''§ 7A. Housing and treatment of egg-laying hens

''(a) ENVIRONMENTAL ENRICHMENTS.—

''(1) EXISTING CAGING DEVICES.—All existing caging devices must provide egg-laying hens housed therein, beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, adequate environmental enrichments.

''(2) NEW CAGING DEVICES.—All new caging devices must provide egg-laying hens housed therein, beginning nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, adequate environmental enrichments.

''(3) CAGING DEVICES IN CALIFORNIA.—All caging devices in California must provide egg-laying hens housed therein, beginning December 31, 2018, adequate environmental enrichments.

''(b) FLOOR SPACE.—

''(1) EXISTING CAGING DEVICES.—All existing cages devices must provide egg-laying hens housed therein—

''(A) beginning four years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 76 square inches of individual floor space per brown hen and 67 square inches of individual floor space per white hen; and

''(B) beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

''(2) NEW CAGING DEVICES.—Except as provided in paragraph (3), all new caging devices must provide egg-laying hens housed therein—

''(A) beginning three years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 90 square inches of individual floor space per brown hen and 78 square inches of individual floor space per white hen;

''(B) beginning six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen;

''(C) beginning nine years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 116 square inches of individual floor space per brown hen and 101 square inches of individual floor space per white hen;

''(D) beginning 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012 and until the date that is 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen; and

''(E) beginning 15 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

''(3) CALIFORNIA CAGING DEVICES.—All caging devices in California must provide egg-laying hens housed therein—

''(A) beginning January 1, 2015, and through December 31, 2020, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

''(B) beginning January 1, 2021, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

''(c) AIR QUALITY.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, an egg handler shall provide all egg-laying hens under his ownership or control with acceptable air quality, which does not exceed more than 25 parts per million of ammonia during normal operations.

''(d) FORCED MOLTING.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, no egg handler may subject any egg-laying hen under his ownership or control to feed-withdrawal or water-withdrawal molting.

''(e) EUTHANASIA.—Beginning two years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, an egg handler shall provide, when necessary, all egg-laying hens under his ownership or control with euthanasia that is humane and uses a method deemed 'Acceptable' by the American Veterinary Medical Association.

''(f) PROHIBITION ON NEW UNENRICHABLE CAGES.—No person shall build, construct, implement, or place into operation any new caging device for the production of eggs to be sold in commerce unless the device—

''(1) provides the egg-laying hens to be contained therein a minimum of 76 square inches of individual floor space per brown hen or 67 square inches of individual floor space per white hen; and

''(2) is capable of being adapted to accommodate adequate environmental enrichments.

''(g) EXEMPTIONS.—

''(1) RECENTLY-INSTALLED EXISTING CAGING DEVICES.—The requirements contained in subsections (a)(1) and (b)(1)(B) shall not apply to any existing caging device that was first placed into operation between January 1, 2008, and December 31, 2011. This exemption shall expire 18 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at which time the requirements contained in subsections (a)(1) and (b)(1)(B) shall apply to all existing caging devices.

''(2) HENS ALREADY IN PRODUCTION.—The requirements contained in subsections (a)(1), (a)(2), (b)(1)(B), and (b)(2) shall not apply to any caging device containing egg-laying hens who are already in egg production on the date that such requirement takes effect. This exemption shall expire on the date that such egg-laying hens are removed from egg production.

''(3) SMALL PRODUCERS.—Nothing contained in this section shall apply to an egg handler who buys, sells, handles, or processes eggs or egg products solely from one flock of not more than 3,000 egg-laying hens.

''§ 7B. Phase-in conversion requirements

''(a) FIRST CONVERSION PHASE.—As of six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at least 25 percent of the egg-laying hens in commercial egg production shall be housed either in new caging devices or in existing caging devices that provide the hens contained therein with a minimum of 102 square inches of individual floor space per brown hen and 90 square inches of individual floor space per white hen.

''(b) SECOND CONVERSION PHASE.—As of 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, at least 55 percent of the egg-laying hens in commercial egg production shall be housed either in new caging devices or in existing caging devices that provide the hens contained therein with a minimum of 130 square inches of individual floor space per brown hen and 113 square inches of individual floor space per white hen.

''(c) FINAL CONVERSION PHASE.—As of December 31, 2029, all egg-laying hens confined in caging devices shall be provided adequate environmental enrichments and a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen.

''(d) COMPLIANCE.—

''(1) At the end of six years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, the Secretary shall determine, after having reviewed and analyzed the results of an independent, national survey of caging devices conducted in 2018, whether the requirements of subsection (a) have been met. If the Secretary finds that the requirements of subsection (a) have not been met, then beginning January 1, 2020, the floor space requirements (irrespective of the date such requirements expire) related to new caging devices contained in subsection (b)(2)(B) of section 7A shall apply to existing caging devices placed into operation prior to January 1, 1995.

''(2) At the end of 12 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, and again after December 31, 2029, 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 on compliance with subsections (b) and (c).

''(3) Notwithstanding section 12, the remedies provided in this subsection shall be the exclusive remedies for violations of this section.''.

(3) INSPECTIONS.—Section 5 of the Egg Products Inspection Act (21 U.S.C. 1034) is amended—

(A) in subsection (d), by inserting ''(other than requirements with respect to housing, treatment, and house-related labeling)'' after ''as he deems appropriate to assure compliance with such requirements''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''and'';

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following new subparagraph:

''(B) are derived from egg-laying hens housed and treated in compliance with section 7A; and''; and

(IV) in subparagraph (C), as redesignated by subclause (II), by inserting ''adequate housing-related labeling and'' after ''contain'';

(ii) in paragraph (2), by striking ''In the case of a shell egg packer'' and inserting ''In the cases of an egg handler with a flock of more than 3,000 egg-laying hens and a shell egg packer'';

(iii) in paragraph (3), by inserting ''(other than requirements with respect to housing, treatment, and housing-related labeling)'' after ''to ensure compliance with the requirements of paragraph (1)''; and

(iv) in paragraph (4), by striking ''with a flock of not more than 3,000 layers.'' and inserting ''who buys, sells, handles, or processes eggs or egg products solely from one flock of not more than 3,000 egg-laying hens.''.

(4) LABELING.—Section 7 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1036) is amended in subsection (a) by inserting ''adequate housing-related labeling,'' after ''plant where the products were processed,''.

(5) LIMITATION ON EXEMPTIONS BY SECRETARY.—Section 15 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1044) is amended in subsection (a) by inserting '', not including subsection (c) of section 8,'' after ''exempt from specific provisions''.

(6) IMPORTS.—Section 17 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1046) is amended in paragraph (2) of subsection (a) by striking ''subdivision thereof and are labeled and packaged'' and inserting ''subdivision thereof; and no eggs or egg products capable of use as human food shall be imported into the United States unless they are produced, labeled, and packaged''.

(c) ENFORCEMENT OF HEN HOUSING AND TREATMENT STANDARDS.—

(1) IN GENERAL.—Section 8 of the Egg Products Inspection Act (21 U.S.C. 1037) is amended—

(A) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(B) by inserting after subsection (b) the following new subsection:

''(c)(1) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens housed or treated in violation of any provision of section 7A.

''(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce any eggs or egg products derived from egg-laying hens unless the container or package, including any immediate container, of the eggs or egg products, beginning one year after the date of enactment of the Egg Products Inspection Act Amendments of 2012, contains adequate housing-related labeling.

''(3) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business or commerce, in California, any eggs or egg products derived from egg-laying hens unless the egg-laying hens are—

''(A) provided—

''(i) beginning January 1, 2015, and through December 31, 2020, a minimum of 134 square inches of individual floor space per brown hen and 116 square inches of individual floor space per white hen; and

''(ii) beginning January 1, 2021, a minimum of 144 square inches of individual floor space per brown hen and 124 square inches of individual floor space per white hen; and

''(B) provided, beginning December 31, 2018, adequate environmental enrichments.''; and

(C) in subsection (e), as redesignated by subparagraph (A), by inserting ''7A,'' after ''section''.

(2) LIMITATION ON AUTHORITY OF SECRETARY OF HEALTH AND HUMAN SERVICES.—Section 13 of the Egg Products Inspection Act of 1970 (21 U.S.C. 1042) is amended by inserting ''(with respect to violations other than those related to requirements with respect to housing, treatment, and housing-related labeling) the'' after ''Before any violation of this chapter is reported by the Secretary of Agriculture or''.

(d) STATE AND LOCAL AUTHORITY.—Section 23 of the Egg Products Inspection Act (21 U.S.C. 1052) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following new subsection:

''(c) PROHIBITION AGAINST ADDITIONAL OR DIFFERENT REQUIREMENTS THAN FEDERAL REQUIREMENTS RELATED TO MINIMUM SPACE ALLOTMENTS FOR HOUSING EGG-LAYING HENS IN COMMERCIAL EGG PRODUCTION.—Requirements within the scope of this chapter with respect to minimum floor space allotments or enrichments for egg-laying hens housed in commercial egg production which are in addition to or different than those made under this chapter may not be imposed by any State or local jurisdiction. Otherwise the provisions of this chapter shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this chapter.''; and

(3) by inserting after subsection (e), as redesignated by paragraph (1), the following new subsection:

''(f) ROLE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE.—With respect to eggs produced, shipped, handled, transported or received in California prior to the date that is 18 years after the date of enactment of the Egg Products Inspection Act Amendments of 2012, the Secretary shall delegate to the California Department of Food and Agriculture the authority to enforce sections 7A(a)(3), 7A(b)(3), 8(c)(3), and 11.''.

SA 2253. Mr. SANDERS (for himself and Mr. BLUMENTHAL) 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:

SEC. 122_. ENERGY MARKETS.

(a) FINDINGS.—Congress finds that—

(1) the Commodity Futures Trading Commission was created as an independent agency, in 1974, with a mandate—

(A) to enforce and administer the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) to ensure market integrity;

(C) to protect market users from fraud and abusive trading practices; and

(D) to prevent and prosecute manipulation of the price of any commodity in interstate commerce;

(2) Congress declared in section 4a of the Commodity Exchange Act (7 U.S.C. 6a) that excessive speculation imposes an undue and unnecessary burden on interstate commerce;

(3) title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (and amendments made by that Act) required the Commission to establish position limits ''to diminish, eliminate, or prevent excessive speculation'' for trading in crude oil, gasoline, heating oil, diesel fuel, jet fuel, and other physical commodity derivatives by January 17, 2011;

(4) the Commission has failed to impose position limits to diminish, eliminate, or prevent excessive oil and gasoline speculation as required by law;

(5) according to an article published in Forbes on February 27, 2012, excessive oil speculation ''translates out into a premium for gasoline at the pump of $.56 a gallon'' based on a recent report from Goldman Sachs;

(6) on May 25, 2012—

(A) the supply of commercial crude oil in the United States was higher than the supply was on May 22, 2009, when the national average price for a gallon of regular unleaded gasoline was less than $2.45; and

(B) demand for gasoline in the United States was lower than demand was on May 22, 2009;

(7) on June 6, 2012, the national average price of regular unleaded gasoline was $3.57 a gallon, more than $1 per gallon more than 3 years ago when commercial crude oil supplies were lower and demand was higher;

(8) during the last quarter of 2011, according to the International Energy Agency—

(A) the world oil supply rose by 1,300,000 barrels per day while demand only increased by 700,000 barrels per day; but

(B) the price of Texas light sweet crude rose by more than 12 percent;

(9) on November 3, 2011, Gary Gensler, the Chairman of the Commodity Futures Trading Commission testified before the Senate Permanent Subcommittee on Investigations that ''80 to 87 percent of the [oil futures] market'' is dominated by ''financial participants, swap dealers, hedge funds, and other financials,'' a figure that has more than doubled over the prior decade;

(10) excessive oil and gasoline speculation is creating major market disturbances that prevent the market from accurately reflecting the forces of supply and demand; and

(11) the Commodity Futures Trading Commission has a responsibility—

(A) to ensure that the price discovery for oil and gasoline accurately reflects the fundamentals of supply and demand; and

(B) to take immediate action to implement strong and meaningful position limits to regulated exchange markets to eliminate excessive oil speculation.

(b) ACTIONS.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall use the authority of the Commission (including emergency powers, if necessary)—

(1) to implement position limits that will diminish, eliminate, or prevent excessive speculation in the trading of crude oil, gasoline, heating oil, diesel fuel, jet fuel, and other physical commodity derivatives as required under title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (and amendments made by that Act); and

(2) to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commission, on or through which energy futures or swaps are traded.

SA 2254. Mr. SANDERS 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 914, line 14, strike ''Section'' and insert the following:

(a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 9013(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

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

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) BIOMASS CONSUMER COOPERATIVE.—The term 'biomass consumer cooperative' means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.''.

(b) GRANT PROGRAM.—Section 9013(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) grants of up to $50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—

''(i) the purchase of biomass heating systems;

''(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or

''(iii) the delivery and storage of biomass of heating products.''.

(c) MATCHING FUNDS.—Section 9013(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking ''A State or local government that receives a grant under subsection (b)'' and inserting the following:

''(1) STATE AND LOCAL GOVERNMENTS.—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)''; and

(2) by adding at the end the following:

''(2) BIOMASS CONSUMER COOPERATIVES.—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and nonprofit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for that purpose.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section

SA 2255. Mr. SANDERS (for himself, Mr. LEAHY, and Mrs. GILLIBRAND) 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 193, strike lines 7 through 13 and insert the following:

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

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively.

On page 195, line 25, strike ''and''.

On page 196, strike line 16 and insert the following:

mined by the Secretary.''; and

(6) in subsection (i)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) ELIGIBILITY REQUIREMENTS.—As a condition of receiving payments under this subsection, a producer shall agree to develop and implement conservation practices for certified organic production that are consistent with the regulations promulgated under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and the purposes of this Act.

''(3) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) while participating in a contract under this Act.

''(4) PLANNING.—

''(A) IN GENERAL.—The Secretary shall provide planning assistance to producers transitioning to certified organic production consistent with the requirements of the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and the purposes of this Act.

''(B) AVOIDANCE OF DUPLICATION.—The Secretary, to the maximum extent practicable, shall eliminate duplication of planning activities for a producer participating in a contract under this Act and initiating or maintaining organic certification in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).''.

SA 2256. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. CONSUMERS RIGHT TO KNOW ABOUT GENETICALLY ENGINEERED FOOD ACT.

(a) SHORT TITLE.—This section may be cited as the ''Consumers Right to Know About Genetically Engineered Food Act''.

(b) FINDINGS.—Congress finds that—

(1) surveys of the American public consistently show that 90 percent or more of the people of the United States want genetically engineered or modified foods to be labeled as such;

(2) a landmark public health study in Canada found that—

(A) 93 percent of pregnant women had detectable toxins from genetically engineered or modified foods in their blood; and

(B) 80 percent of the babies of those women had detectable toxins in their umbilical cords;

(3) the tenth Amendment to the Constitution of the United States clearly reserves powers in the system of Federalism to the States or to the people; and

(4) States have the authority to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered.

(c) DEFINITIONS.—In this section:

(1) GENETIC ENGINEERING.—

(A) IN GENERAL.—The term ''genetic engineering'' means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.

(B) INCLUSIONS.—The term ''genetic engineering'' includes—

(i) recombinant DNA and RNA techniques;
(ii) cell fusion;
(iii) microencapsulation;
(iv) macroencapsulation;
(v) gene deletion and doubling;
(vi) introduction of a foreign gene; and
(vii) changing the position of genes.

(C) EXCLUSIONS.—The term ''genetic engineering'' does not include any modification to an organism that consists exclusively of—
(i) breeding;
(ii) conjugation;
(iii) fermentation;
(iv) hybridization;
(v) in vitro fertilization; or
(vi) tissue culture.

(2) GENETICALLY ENGINEERED AND GENETICALLY MODIFIED INGREDIENT.—The term ''genetically engineered and genetically modified ingredient'' means any ingredient in any food, beverage, or other edible product that—

(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or

(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(d) RIGHT TO KNOW.—Notwithstanding any other Federal law (including regulations), a State may require that any food, beverage, or other edible product offered for sale in that State have a label on the container or package of the food, beverage, or other edible product, indicating that the food, beverage, or other edible product contains a genetically engineered or genetically modified ingredient.

(e) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs and the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall submit a report to Congress detailing the percentage of food and beverages sold in the United States that contain genetically engineered or genetically modified ingredients.

SA 2257. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. AGRICULTURAL PRODUCER PROTECTION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Farmer Protection Act''.

(b) DEFINITIONS.—In this section:

(1) AGRICULTURAL PRODUCERS OF NONGENETICALLY ENGINEERED PRODUCTS.—The term ''agricultural producer of nongenetically engineered products'' means any agricultural producer who produces seeds, crops, plants, or products without genetically engineered products.

(2) BIOTECH COMPANY.—The term ''biotech company'' means a person—

(A) engaged in the business of genetically engineering a seed, crop, plant, product, or organism; or

(B) that owns the patent rights to a genetically engineered product for the purpose of commercial exploitation of that genetically engineered product.

(3) CONTAMINATION.—The term ''contamination'' means the unwanted trespass, whether through pollination or other means, of a genetically engineered product into the seed, crop, plant, or product of an agricultural producer who does not use genetically engineered products.

(4) GENETIC ENGINEERING.—

(A) IN GENERAL.—The term ''genetic engineering'' means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.

(B) INCLUSIONS.—The term ''genetic engineering'' includes—
(i) recombinant DNA and RNA techniques;
(ii) cell fusion;
(iii) microencapsulation;
(iv) macroencapsulation;
(v) gene deletion and doubling;
(vi) introduction of a foreign gene; and
(vii) changing the position of genes.

(C) EXCLUSIONS.—The term ''genetic engineering'' does not include any modification to an organism that consists exclusively of—
(i) breeding;
(ii) conjugation;
(iii) fermentation;
(iv) hybridization;
(v) in vitro fertilization; or
(vi) tissue culture.

(5) GENETICALLY ENGINEERED PRODUCT.—The term ''genetically engineered product'' means any seed, crop, plan, product, or organism that—

(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or

(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(c) LIABILITY OF AGRICULTURAL PRODUCERS OF NONGENETICALLY ENGINEERED PRODUCTS.—

(1) IN GENERAL.—No agricultural producer shall be liable to a biotech company under any provision of Federal, State, or local law, including for injury, monetary damages, or patent infringement, resulting from the contamination of the seeds, crops, products, or plants of the agricultural producer by a genetically engineered product that is created, produced, or distributed by the biotech company.

(2) WAIVER.—The liability described in paragraph (1) shall not be waived or otherwise avoided by contract.

(d) PRIVATE RIGHT OF ACTION BY AGRICULTURAL PRODUCERS OF NONGENETICALLY ENGINEERED PRODUCTS.—Any agricultural producer of nongenetically engineered products whose seeds, crops, plants, or products are contaminated by a genetically engineered product may, in a civil action in a court of competent jurisdiction, bring an action against a biotech company for monetary damages for injury to the agricultural producer caused by the genetically engineered product.

(e) ATTORNEY'S FEES.—The court may award a reasonable attorney's fee to the prevailing plaintiff in an action brought under subsection (d).

SA 2258. Mr. SANDERS 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, strike line 20.

On page 336, strike line 13 and insert the following:

carry out this section.''; and

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(C) maximizing the use of commercial kitchens (such as kitchens operated by schools, food banks, and other public, nonprofit, or private entities) for the purpose of light-processing local agricultural products to create additional markets for producers, reduce hunger, and promote nutrition;''.

SA 2259. Mr. ENZI (for himself and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 121___. LIMITATION ON USE OF ANTI-COMPETITIVE FORWARD CONTRACTS.

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

(1) by striking ''Sec. 202. It shall be'' and inserting the following:

''SEC. 202. UNLAWFUL PRACTICES.

''(a) IN GENERAL.—It shall be'';

(2) by striking ''to:'' and inserting ''to—'';

(3) by redesignating subsections (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (7), and (8), respectively, and indenting appropriately;

(4) in paragraph (7) (as redesignated by paragraph (3)), by designating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(5) in paragraph (8) (as redesignated by paragraph (3)), by striking ''subdivision (a), (b), (c), (d), or (e)'' and inserting ''paragraph (1), (2), (3), (4), (5), or (6)'';

(6) in each of paragraphs (1), (2), (3), (4), (5), (7), and (8) (as redesignated by paragraph (3)), by striking the first capital letter of the first word in the paragraph and inserting the same letter in the lower case;

(7) in each of paragraphs (1) through (5) (as redesignated by paragraph (3)), by striking ''or'' at the end;

(8) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

''(6) except as provided in subsection (c), use, in effectuating any sale of livestock, a forward contract that—

''(A) does not contain a firm base price that may be equated to a fixed dollar amount on the day on which the forward contract is entered into; or

''(B) is based on a formula price.''; and

(9) by adding at the end the following:

''(b) EXEMPTION FOR COOPERATIVES.—Subsection (a)(6) shall not apply to—

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

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

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

''(3) a packer that owns 1 livestock processing plant.''.

(b) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) is amended by adding at the end the following:

''(15) FIRM BASE PRICE.—The term 'firm base price' means a transaction using a reference price from an external source.

''(16) FORMULA PRICE.—

''(A) IN GENERAL.—The term 'formula price' means any price term that establishes a base from which a purchase price is calculated on

the basis of a price that will not be determined or reported until a date after the day the forward price is established.

''(B) EXCLUSION.—The term 'formula price' does not include—

''(i) any price term that establishes a base from which a purchase price is calculated on the basis of a futures market price; or

''(ii) any adjustment to the base for quality, grade, or other factors relating to the value of livestock or livestock products that are readily verifiable market factors and are outside the control of the packer.

''(17) FORWARD CONTRACT.—The term 'forward contract' means an oral or written contract for the purchase of livestock that provides for the delivery of the livestock to a packer at a date that is more than 7 days after the date on which the contract is entered into, without regard to whether the contract is for—

''(A) a specified lot of livestock; or

''(B) a specified number of livestock over a certain period of time.''.

SA 2260. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12106. ALTERNATIVE MARKETING ARRANGEMENTS.

(a) DEFINITIONS.—Section 221 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635d) is amended—

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

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) ALTERNATIVE MARKETING ARRANGEMENT.—The term 'alternative marketing arrangement' means the advance commitment of cattle for slaughter by any means—

''(A) other than a negotiated purchase or forward contract; and

''(B) that does not use a method for calculating price in which the price is determined at a future date.''.

(b) MANDATORY REPORTING FOR LIVE CATTLE.—Section 222(d)(1) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635e(d)(1)) is amended by adding at the end the following:

''(F) The quantity of cattle delivered under an alternative marketing arrangement that were slaughtered.''.

SA 2261. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 122_____. NUMERIC NUTRIENT CRITERIA.

(a) SHORT TITLE.—This section may be cited as the ''State Waters Partnership Act of 2012''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) FLORIDA AMENDED RULE.—The term ''Florida amended rule'' means chapters 62–302 and 62–303 of the Florida Administrative Code, as approved for adoption by the Florida Environmental Regulation Commission on December 8, 2011, and submitted on December 9, 2011, to the Florida Legislature for ratification.

(3) JANUARY 14, 2009, DETERMINATION.—The term ''January 14, 2009, determination'' means the determination issued by the Administrator on January 14, 2009, under section 303(c)(4)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)(B)), regarding numeric nutrient criteria for the State of Florida.

(4) NUMERIC NUTRIENT CRITERIA.—The term ''numeric nutrient criteria'' means specific numerical criteria for any species of nitrogen or phosphorus developed to meet the water quality requirements of section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(c) NUMERIC NUTRIENT CRITERIA.—

(1) IN GENERAL.—The Administrator shall not propose, promulgate, or enforce any numeric nutrient criteria for any stream, lake, spring, canal, estuary, or marine water of the State of Florida based on the January 15, 2009, determination until the Administrator makes a final determination in accordance with section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)) regarding the Florida amended rule.

(2) WITHDRAWAL OF REGULATIONS.—If the Administrator determines under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)) that the Florida amended rule meets the requirements of that Act (33 U.S.C. 1251 et seq.)—

(A) the Administrator shall not enforce, and shall withdraw, section 131.43 of title 40, Code of Federal Regulations (or a successor regulation), in its entirety; and

(B) shall not propose or promulgate any numeric nutrient criteria for any stream, lake, spring, canal, estuary, or marine water of the State of Florida based on the January 14, 2009, determination.

SA 2262. Mr. DEMINT 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. _____. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in this Act or an amendment made by this Act should manipulate prices or interfere with the free market.

SA 2263. Mr. DEMINT 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 770, strike lines 7 through 11 and insert the following:

(7) in subsection (k)(1), by striking ''2012'' and inserting ''2017''; and

SA 2264. Mr. DEMINT 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. ____. SENSE OF THE SENATE CONCERNING THE FEDERAL GOVERNMENT GUARANTEEING PROFITS.

It is the sense of the Senate that the Federal Government should not guarantee the profits of any industry.

SA 2265. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3101.

SA 2266. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1105.

SA 2267. Mr. DEMINT 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. ____. RENEWABLE FUEL STANDARD.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SA 2268. Mr. DEMINT 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 PROVISION OF LOAN GUARANTEES.

Notwithstanding any other provision of this Act, including any amendment made by this Act, no loan guarantee may be provided by the Secretary or any other Federal official or agency for any project or activity carried out by the Secretary.

SA 2269. Mr. DEMINT 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. _____. REPEAL OF DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 1376) is repealed.

SA 2270. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike parts I and II of subtitle D of title I.

SA 2271. Mr. DEMINT 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. _____. ELIMINATION OF MANDATORY FUNDING FROM ENERGY PROGRAMS.

Notwithstanding any other provision of this Act or any amendment made by this Act—

(1) section 9002(j) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C.

8102(j)) (as amended by section 9002(a)(7)) is amended—

(A) in paragraph (3), by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(B) by striking paragraph (4);

(2) section 9003(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h)) (as amended by section 9003(b)) is amended by striking paragraph (1) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), there is authorized to provide for the cost of loan guarantees under this section—

''(i) $100,000,000 for fiscal year 2013; and

''(ii) $58,000,000 for each of fiscal years 2014 and 2015.

''(B) BIOBASED PRODUCT MANUFACTURING.—Of the total amount of funds made available for the period of fiscal years 2013 through 2015 under subparagraph (A), the Secretary shall use for the cost of loan guarantees under this section not more than $25,000,000 to promote biobased product manufacturing.'';

(3) section 9006(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(d)) (as amended by section 9006) is amended—

(A) in paragraph (2), by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(B) by striking paragraph (3);

(4) section 9007(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)) (as amended by section 9007(b)) is amended—

(A) in paragraph (4), by striking ''$20,000,000'' and inserting ''$68,200,000''; and

(B) by striking paragraph (5); and

(5) section 9008(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)) (as amended by section 9008) is amended—

(A) in paragraph (3), by striking ''$30,000,000'' and inserting ''$56,000,000''; and

(B) by striking paragraph (4).

SA 2272. Mr. DEMINT 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:

Subtitle ____—Sugar

SEC. ____01. SHORT TITLE.

This subtitle may be cited as the ''Free Sugar Act of 2012''.

SEC. ____02. SUGAR PROGRAM.

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

SEC. ____03. 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 2012 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 2012 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

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

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

(c) GENERAL POWERS.—

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

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

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

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

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

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

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

(A) by striking subparagraph (E); and

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

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

(7) FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

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

SEC. ____04. 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 1701.11 through 1701.11.50 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 1701.11, as in effect on the day before the date of the enactment of this section:

''	1701.11.00	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	''.

(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	'';

(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	'';

(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	'';

and

(4) by striking the superior text immediately preceding subheading 2106.90.42 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 ".

(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. ____05. APPLICATION.

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

SA 2273. Mr. DEMINT 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 765, strike line 9 and all that follows through page 766, line 16, and insert the following:

"(B) MAXIMUM.—The amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

"(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

"(i) remote locations;

"(ii) low community populations;

"(iii) low income levels; and

"(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

"(I) State, local, and tribal governments;

"(II) nonprofit institutions;

"(III) institutions of higher education;

"(IV) private entities; and

"(V) philanthropic organizations.";

SA 2274. Mr. DEMINT (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:

At the appropriate place, insert the following:

SEC. _____. PERMANENT ESTATE TAX RELIEF.

(a) IN GENERAL.—Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) EXCLUSION FROM EGGTRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitle A or E of title V of such Act.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

SA 2275. Mr. DEMINT 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 765, strike line 8, insert "that the Secretary determines does not have access to broadband service from any provider of broadband service (including the applicant)" before the period at the end.

SA 2276. Mr. DEMINT 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 MANDATORY OR COMPULSORY CHECK OFF PROGRAMS.

No program to promote and provide research and information for a particular agricultural commodity without reference to specific producers or brands (commonly known as a "check-off program") shall be mandatory or compulsory.

SA 2277. Mr. DEMINT 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. _____. SENSE OF SENATE REGARDING DISPLACEMENT OF PRIVATE SECTOR ENTITIES.

It is the sense of the Senate that no provision of this Act (including any amendment made by this Act) should displace any service or product provided by an entity in the private sector.

SA 2278. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike part I of subtitle D of title I.

SA 2279. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6104.

SA 2280. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 12205.

SA 2281. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Other Matters

SEC. 3301. CONSISTENCY WITH INTERNATIONAL TRADE OBLIGATIONS OF THE UNITED STATES.

The Secretary shall administer this Act, and any amendments made by this Act, in a manner consistent with the obligations of the United States as a member of the World Trade Organization and under trade agreements to which the United States is a party.

SA 2282. Mr. DEMINT 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. ____. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: "Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.";

(2) in subparagraph (B)—

(A) in clause (i), by striking "and" at the end;

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

(C) by adding at the end the following:

"(iii) not later than 1 year after the date of the enactment of the Agriculture Reform, Food, and Jobs Act of 2012, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A)."; and

(3) in subparagraph (C), by adding at the end the following:

"(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).".

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

SA 2283. Mr. DEMINT 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. ____. RENEWABLE FUEL STANDARD.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SEC. _____. PERMANENT ESTATE TAX RELIEF.

(a) IN GENERAL.—Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) EXCLUSION FROM EGGTRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitle A or E of title V of such Act.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

SA 2284. Mr. DEMINT 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. ___. SENSE OF THE SENATE

It is the sense of the Senate that nothing in this Act should raise the cost of food or products for consumers or the needy.

SA 2285. Mr. DEMINT 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. 12_____. FUNDING.

Notwithstanding any other provision of this Act or any amendment made by this Act, each amount made available by this Act or an amendment made by this Act that is funded through direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985(2 U.S.C. 900(c))) shall be considered to be an authorization of appropriations for that amount and purpose.

SA 2286. Mr. DEMINT 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. ___. NATIONAL RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3)''; and

(C) in subsection (f)—

(i) by striking clause (2); and

(ii) by redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 2287. Mr. CARPER (for himself 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:

On page 805, strike lines 18 through 22 and insert the following:

(43), (47), (48), (51), and (52);

(B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively; and

(C) by adding at the end the following:

''(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.'';

SA 2288. 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:

On page 652, between lines 12 and 13, insert the following:

''SEC. 3707. DISCRETION OF SECRETARY.

''Notwithstanding any other provision of this title, the Secretary may deny an application for a rural development program under this title if the area subject to the application meets the requirements of a rural area under section 3002(28), but is determined by the Secretary to not be rural in character.

SA 2289. 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:

On page 293, strike lines 16 through 19, and insert the following:

SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''and'' after ''2005,''; and

(B) by inserting '', and $160,000,000 for each of fiscal years 2013 through 2017'' after ''2012,''; and

(2) by adding at the end the following:

''(3) PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES.—None of the funds made available to carry out this subsection shall be used for—

''(A) wine tastings;

''(B) animal spa products;

''(C) reality television shows; or

''(D) cat or dog food.''.

SA 2290. 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 in title VI, insert the following:

SEC. 7_____. REDUCTION OF AMOUNTS FOR RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or any amendment made by this Act, the Secretary shall reduce the amounts made available to carry out rural development programs authorized by this title or an amendment made by this title, on a pro rata basis, by an aggregate amount of $1,000,000,000.

(b) PRIORITIZATION.—Notwithstanding any other provision of this Act or any amendment made by this Act, the Secretary may use any amounts remaining available to carry out the programs described in subsection (a) after the disposition under subsection (a), as determined by the Secretary.

SA 2291. 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:

On page 864, strike lines 1 through 11 and insert the following:

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704) is repealed.

SA 2292. 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:

On page 863, strike lines 13 through 17 and insert the following:

Section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) is repealed.

SA 2293. 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. ___. ADJUSTED GROSS INCOME LIMITATION FOR CONSERVATION PROGRAMS.

Section 1001D(b)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(2)(A)) is amended—

(1) by striking ''LIMITS.—'' and all that follows through ''clause (ii),'' and inserting ''LIMITS.—Notwithstanding any other provision of law,''; and

(2) by striking clause (ii).

SA 2294. Mr. UDALL of Colorado (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 8303. COLORADO COOPERATIVE CONSERVATION AUTHORITY.

Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 118 Stat. 3102; 123 Stat. 2961), is amended by striking ''September 30, 2013'' and inserting ''September 30, 2017''.

SA 2295. Mr. UDALL of Colorado (for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS) 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 866, line 21, strike ''$100,000,000'' and insert ''$200,000,000''.

SA 2296. 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 389, between lines 16 and 17, insert the following:

''(e) MICROLOAN PROGRAM.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a microloan program within the operating loan program established under this chapter.

''(2) LOAN AMOUNT.—Each loan issued under the program shall be in an amount of not less than $500 and not more than $5,000.

''(3) ELIGIBILITY.—

''(A) DEFINITION OF GLEANER.—In this paragraph, the term 'gleaner' means an individual or entity that—

''(i) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

''(ii) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

''(B) ELIGIBILITY.—In addition to any other person eligible under the terms and conditions of the operating loan program established under this chapter, gleaners shall be eligible to receive microloans under this subsection.

''(4) LOAN PROCESSING.—The Secretary shall process any loan application submitted under the program not later than 30 days after the date on which the application was submitted.

''(5) EXPEDITING APPLICATIONS.—The Secretary shall take any measure the Secretary determines necessary to expedite any application submitted under the program.

''(6) PAPERWORK REDUCTION.—The Secretary shall take measures to reduce any paperwork requirements for loans under the program.

SA 2297. 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 362, line 11, insert ''(which may include obtaining degrees from institutions of higher education in business or agriculture, such as horticulture or agricultural business management degrees)'' after ''farmer''.

SA 2298. 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:

At the end, add the following:

SEC. 12_____. ANNUAL REPORTS ON LOANS TO YOUNG AND BEGINNING FARMERS AND RANCHERS.

(a) IN GENERAL.—Part D of title IV of the Farm Credit Act of 1971 (12 U.S.C. 2203 et seq.) is amended by adding at the end the following:

''SEC. 4.22. ANNUAL REPORTS ON LOANS TO YOUNG AND BEGINNING FARMERS AND RANCHERS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE BORROWER.—The term 'eligible borrower' means an agricultural producer who, as determined by the Farm Credit Administration—

''(A) is not more than 35 years old;

''(B)(i) has experience of at least 3 years in operating a farm or ranch; but

''(ii) has not more than 10 years of total farming or ranching experience; and

''(C) for the immediately preceding complete taxable year had an average adjusted gross farm income (as defined in section 1001D of the Farm Security Act of 1985 (7 U.S.C. 1308–3a) of not more than $250,000.

''(2) FUNDING INSTITUTION.—The term 'funding institution' means an entity that, during the immediately preceding taxable year—

''(A) was part of the Farm Credit System;

''(B) was subject to regulation by the Farm Credit Administration; and

''(C) had net income resulting from tax-exempt earnings on real estate lending.

''(b) REPORTS ON LENDING DATA BY FUNDING INSTITUTIONS.—The Farm Credit Administration shall—

''(1) require each funding institution to annually aggregate and report all lending data by individual eligible borrower, and

''(2) annually report this lending activity to the Secretary and Congress.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2299. Ms. KLOBUCHAR 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 782, between lines 14 and 15, insert the following:

SEC. 6203. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit a report to Congress that contains the results of the study required under subsection (a).

(d) PERIODIC UPDATES.—The Secretary and the Secretary of Transportation shall publish triennially an updated version of the study described in subsection (a).

SEC. 6204. AGRICULTURAL TRANSPORTATION POLICY.

Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended by striking subsection (j) and inserting the following:

''(j) POLICY DEVELOPMENT PROCEEDINGS.—The Secretary shall participate on behalf of the interests of agriculture and rural America in all policy development proceedings or other proceedings of the Surface Transportation Board that may establish freight rail transportation policy affecting agriculture and rural America.''.

SA 2300. Ms. KLOBUCHAR (for herself, Mr. LUGAR, Mrs. MCCASKILL, and Mr. NELSON of Nebraska) 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, insert the following:

SEC. 122___. SCIENCE ADVISORY BOARD.

Section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365(b)) is amended in the first sentence by inserting ''and not more than 3 of whom shall be appointed based on the recommendation of the Secretary of Agriculture,'' after ''Chairman,''.

SA 2301. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 2232 submitted by Mr. TESTER (for himself and Mr. THUNE) and intended to be proposed 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 amendment, add the following:

Subtitle C—Restrictions on the Designation of National Monuments

SEC. 13801. RESTRICTIONS ON THE DESIGNATION OF NATIONAL MONUMENTS.

(a) DESIGNATION.—No national monument designated by presidential proclamation shall be valid until the date on which the Governor and the legislature of each State within the boundaries of the proposed national monument have approved of the designation.

(b) RESTRICTIONS.—The Secretary of the Interior shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period providing for public input, as determined by the Secretary of the Interior.

SA 2302. Mr. RISCH 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 FISHING, HUNTING, AND SHOOTING

Subtitle A—Recreational Fishing and Hunting Heritage and Opportunities

SEC. 13001. SHORT TITLE.

This subtitle may be cited as the ''Recreational Fishing and Hunting Heritage and Opportunities Act''.

SEC. 13002. FINDINGS.

Congress finds that—

(1) recreational fishing and hunting are important and traditional activities in which millions of Americans participate;

(2) recreational anglers and hunters have been and continue to be among the foremost supporters of sound fish and wildlife management and conservation in the United States;

(3) recreational fishing and hunting are environmentally acceptable and beneficial activities that occur and can be provided on Federal public lands and waters without adverse effects on other uses or users;

(4) recreational anglers, hunters, and sporting organizations provide direct assistance to fish and wildlife managers and enforcement officers of the Federal Government as well as State and local governments by investing volunteer time and effort to fish and wildlife conservation;

(5) recreational anglers, hunters, and the associated industries have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management by providing revenues from purchases of fishing and hunting licenses, permits, and stamps, as well as excise taxes on fishing, hunting, and shooting equipment that have generated billions of dollars of critical funding for fish and wildlife conservation, research, and management;

(6) recreational shooting is also an important and traditional activity in which millions of Americans participate, safe recreational shooting is a valid use of Federal public lands, including the establishment of safe and convenient shooting ranges on such lands, and participation in recreational shooting helps recruit and retain hunters and contributes to wildlife conservation;

(7) opportunities to recreationally fish, hunt, and shoot are declining, which depresses participation in these traditional activities, and depressed participation adversely impacts fish and wildlife conservation and funding for important conservation efforts; and

(8) the public interest would be served, and our citizens' fish and wildlife resources benefitted, by action to ensure that opportunities are facilitated to engage in fishing and hunting on Federal public land as recognized by Executive Order No. 12962, relating to recreational fisheries, and Executive Order No. 13443, relating to facilitation of hunting heritage and wildlife conservation.

SEC. 13003. DEFINITIONS.

In this subtitle:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Federal public land'' means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSION.—The term ''Federal public land'' does not include any land or water held in trust for the benefit of Indians or other Native Americans.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''hunting'' means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife;

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife; or

(iii) the training of hunting dogs, including field trials.

(B) EXCLUSION.—The term ''hunting'' does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law, including laws applicable to the National Park System).

(3) RECREATIONAL FISHING.—The term ''recreational fishing'' means the lawful—

(A) pursuit, capture, collection, or killing of fish; or

(B) attempt to capture, collect, or kill fish.

(4) RECREATIONAL SHOOTING.—The term ''recreational shooting'' means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 13004. RECREATIONAL FISHING, HUNTING, AND SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights and subsection (g), and cooperation with the respective State and fish and wildlife agency, Federal public land management officials shall exercise their authority under existing law, including provisions regarding land use planning, to facilitate use of and access to Federal public lands, including Wilderness Areas, Wilderness Study Areas, or lands administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas, for fishing, sport hunting, and recreational shooting except as limited by—

(1) statutory authority that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(2) any other Federal statute that specifically precludes recreational fishing, hunting, or shooting on specific Federal public lands, waters, or units thereof; and

(3) discretionary limitations on recreational fishing, hunting, and shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(b) MANAGEMENT.—Consistent with subsection (a), the head of each Federal public land management agency shall exercise its land management discretion—

(1) in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities;

(2) to the extent authorized under applicable State law; and

(3) in accordance with applicable Federal law.

(c) PLANNING.—

(1) EFFECTS OF PLANS AND ACTIVITIES.—

(A) EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR SHOOTING.—Federal public land planning documents, including land resources management plans, resource management plans, travel management plans, general management plans, and comprehensive conservation plans, shall include a specific evaluation of the effects of such plans on opportunities to engage in recreational fishing, hunting, or shooting.

(B) NOT MAJOR FEDERAL ACTION.—No action taken under this subtitle, or under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), as amended by the National Wildlife Refuge System Improvement Act of 1997, either individually or cumulatively with other actions involving Federal public lands, shall be considered to be a major Federal action significantly affecting the quality of the human environment, and no additional identification, analysis, or consideration of environmental effects, including cumulative effects, is necessary or required.

(C) OTHER ACTIVITY NOT CONSIDERED.—Federal public land management officials are not required to consider the existence or availability of recreational fishing, hunting, or shooting opportunities on adjacent or nearby public or private lands in the planning for or determination of which Federal public lands are open for these activities or in the setting of levels of use for these activities on Federal public lands, unless the combination or coordination of such opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(2) USE OF VOLUNTEERS.—If hunting is prohibited by law, all Federal public land planning documents listed in paragraph (1)(A) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public lands unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal statutes, why skilled volunteers shall not be used to control overpopulations of wildlife on the land that is the subject of the planning documents.

(d) BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LANDS.—

(1) LANDS OPEN.—Lands under the jurisdiction of the Bureau of Land Management and the Forest Service, including Wilderness Areas, Wilderness Study Areas, lands designated as wilderness or administratively classified as wilderness eligible or suitable and primitive or semi-primitive areas but excluding lands on the Outer Continental Shelf, shall be open to recreational fishing, hunting, and shooting unless the managing Federal agency acts to close lands to such activity. Lands may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence, for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law.

(2) SHOOTING RANGES.—

(A) IN GENERAL.—The head of each Federal agency shall use his or her authorities in a manner consistent with this Act and other applicable law, to—

(i) lease or permit use of lands under the jurisdiction of the agency for shooting ranges; and

(ii) designate specific lands under the jurisdiction of the agency for recreational shooting activities.

(B) LIMITATION ON LIABILITY.—Any designation under subparagraph (A)(ii) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any activity occurring at or on such designated lands.

(e) NECESSITY IN WILDERNESS AREAS AND ''WITHIN AND SUPPLEMENTAL TO'' WILDERNESS PURPOSES.—

(1) MINIMUM REQUIREMENTS FOR ADMINISTRATION.—The provision of opportunities for hunting, fishing and recreational shooting, and the conservation of fish and wildlife to provide sustainable use recreational opportunities on designated wilderness areas on Federal public lands shall constitute measures necessary to meet the minimum requirements for the administration of the wilderness area.

(2) The term ''within and supplemental to'' Wilderness purposes in section 4(a) of Public Law 88–577, means that any requirements imposed by that Act shall be implemented only insofar as they do not prevent Federal public

land management officials and State fish and wildlife officials from carrying out their wildlife conservation responsibilities or providing recreational opportunities on the Federal public lands subject to a wilderness designation.

(3) Paragraphs (1) and (2) are not intended to authorize or facilitate commodity development, use, or extraction, or motorized recreational access or use.

(f) REPORT.—Not later than October 1 of every other year, beginning with the second October 1 after the date of the enactment of this Act, the head of each Federal agency who has authority to manage Federal public land on which fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any Federal public land administered by the agency head that was closed to recreational fishing, sport hunting, or shooting at any time during the preceding year; and

(2) the reason for the closure.

(g) CLOSURES OR SIGNIFICANT RESTRICTIONS OF 640 OR MORE ACRES.—

(1) IN GENERAL.—Other than closures established or prescribed by land planning actions referred to in subsection (d) or emergency closures described in paragraph (3) of this subsection, a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land that effectively closes or significantly restricts 640 or more contiguous acres of Federal public land to access or use for fishing or hunting or activities related to fishing and hunting (or both) shall take effect only if, before the date of withdrawal or change, the head of the Federal agency that has jurisdiction over the Federal public land—

(A) publishes appropriate notice of the withdrawal or change, respectively;

(B) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(C) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(2) AGGREGATE OR CUMULATIVE EFFECTS.—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significantly restricts 1280 or more acres of land or water, such withdrawals and changes shall be treated as a single withdrawal or change for purposes of paragraph (1).

(3) EMERGENCY CLOSURES.—Nothing in this Act prohibits a Federal land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, national security, or other purposes authorized by law. Such an emergency closure shall terminate after a reasonable period of time unless converted to a permanent closure consistent with this Act.

(4) NATIONAL WILDLIFE REFUGE SYSTEM.—Nothing in this Act is intended to amend or modify the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), except as expressly provided herein.

(h) AREAS NOT AFFECTED.—Nothing in this subtitle requires the opening of national park or national monuments under the jurisdiction of the National Park Service to hunting or recreational shooting.

(i) NO PRIORITY.—Nothing in this subtitle requires a Federal agency to give preference to recreational fishing, hunting, or shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(j) CONSULTATION WITH COUNCILS.—In fulfilling the duties set forth in this subtitle, the heads of Federal agencies shall consult with respective advisory councils as established in Executive Order Nos. 12962 and 13443.

(k) AUTHORITY OF THE STATES.—

(1) IN GENERAL.—Nothing in this subtitle shall be construed as interfering with, diminishing, or conflicting with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(2) FEDERAL LICENSES.—Nothing in this subtitle authorizes the head of a Federal agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the States, except that this paragraph shall not affect the Migratory Bird Stamp requirement set forth in the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718 et seq.).

Subtitle B—Recreational Shooting Protection

SEC. 13011. SHORT TITLE.

This subtitle may be cited as the ''Recreational Shooting Protection Act''.

SEC. 13012. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Land Management.

(2) NATIONAL MONUMENT LAND.—The term ''National Monument land'' has the meaning given that term in the Act of June 8, 1908 (commonly known as the ''Antiquities Act''; 16 U.S.C. 431 et seq.).

(3) RECREATIONAL SHOOTING.—The term ''recreational shooting'' includes any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

SEC. 13013. RECREATIONAL SHOOTING.

(a) IN GENERAL.—Subject to valid existing rights, National Monument land under the jurisdiction of the Bureau of Land Management shall be open to access and use for recreational shooting, except such closures and restrictions determined by the Director to be necessary and reasonable and supported by facts and evidence for one or more of the following:

(1) Reasons of national security.

(2) Reasons of public safety.

(3) To comply with an applicable Federal statute.

(4) To comply with a law (including regulations) of the State in which the National Monument land is located that is applicable to recreational shooting.

(b) NOTICE; REPORT.—

(1) REQUIREMENT.—Except as set forth in paragraph (2)(B), before a restriction or closure under subsection (a) is made effective, the Director shall—

(A) publish public notice of such closure or restriction in a newspaper of general circulation in the area where the closure or restriction will be carried out; and

(B) submit to Congress a report detailing the location and extent of, and evidence justifying, such a closure or restriction.

(2) TIMING.—The Director shall issue the notice and report required under paragraph (1)—

(A) before the closure if practicable without risking national security or public safety; and

(B) in cases where such issuance is not practicable for reasons of national security or public safety, not later than 30 days after the closure.

(c) CESSATION OF CLOSURE OR RESTRICTION.—A closure or restriction under paragraph (1) or (2) of subsection (a) shall cease to be effective—

(1) effective on the day after the last day of the six-month period beginning on the date on which the Director submitted the report to Congress under subsection (b)(2) regarding the closure or restriction, unless the closure or restriction has been approved by Federal law; and

(2) 30 days after the date of the enactment of a Federal law disapproving the closure or restriction.

(d) MANAGEMENT.—Consistent with subsection (a), the Director shall manage National Monument land under the jurisdiction of the Bureau of Land Management—

(1) in a manner that supports, promotes, and enhances recreational shooting opportunities;

(2) to the extent authorized under State law (including regulations); and

(3) in accordance with applicable Federal law (including regulations).

(e) LIMITATION ON DUPLICATIVE CLOSURES OR RESTRICTIONS.—Unless supported by criteria under subsection (a) as a result of a change in circumstances, the Director may not issue a closure or restriction under subsection (a) that is substantially similar to closure or restriction previously issued that was not approved by Federal law.

(f) EFFECTIVE DATE FOR PRIOR CLOSURES AND RESTRICTIONS.—On the date that is 6 months after the date of the enactment of this Act, this subtitle shall apply to closures and restrictions in place on the date of the enactment of this subtitle that relate to access and use for recreational shooting on National Monument land under the jurisdiction of the Bureau of Land Management.

(g) ANNUAL REPORT.—Not later than October 1 of each year, the Director shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) any National Monument land under the jurisdiction of the Bureau of Land Management that was closed to recreational shooting or on which recreational shooting was restricted at any time during the preceding year; and

(2) the reason for the closure.

(h) NO PRIORITY.—Nothing in this subtitle requires the Director to give preference to recreational shooting over other uses of Federal public land or over land or water management priorities established by Federal law.

(i) AUTHORITY OF THE STATES.—

(1) SAVINGS.—Nothing in this subtitle affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land.

(2) FEDERAL LICENSES.—Nothing in this subtitle authorizes the Director to require a license for recreational shooting on land or water in a State, including on Federal public land in the State.

(j) CONTROLLING PROVISIONS.—In any instance when one or more provisions in title I and in this subtitle may be construed to apply in an inconsistent manner to National Monument land, the provisions in this subtitle shall take precedence and apply.

Subtitle C—Polar Bear Conservation and Fairness

SEC. 13021. SHORT TITLE.

This subtitle may be cited as the ''Polar Bear Conservation and Fairness Act of 2012''.

SEC. 13022. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.

Section 104(c)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(D)) is amended to read as follows:

''(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—

''(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

''(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear 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.

''(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. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

''(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Polar Bear Conservation and Fairness Act of 2012.''.

Subtitle D—Hunting, Fishing, and Recreational Shooting Protection

SEC. 13031. SHORT TITLE.

This subtitle may be cited as the ''Hunting, Fishing, and Recreational Shooting Protection Act''.

SEC. 13032. MODIFICATION OF DEFINITION.

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 subsection (a) of section 4162 of the Internal Revenue Code of 1986) 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.''.

Subtitle E—Hunting in Kisatchie National Forest

SEC. 13041. HUNTING IN KISATCHIE NATIONAL FOREST.

(a) IN GENERAL.—Consistent with the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture may not restrict the use of dogs in deer hunting activities in Kisatchie National Forest, unless such restrictions—

(1) apply to the smallest practicable portions of such unit; and

(2) are necessary to reduce or control trespass onto land adjacent to such unit.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of the enactment of this Act shall be void and have no force or effect.

Subtitle F—Designation of and Restrictions on National Monuments

SEC. 13051. DESIGNATION OF AND RESTRICTIONS ON NATIONAL MONUMENTS.

(a) DESIGNATION.—No national monument designated by presidential proclamation shall be valid until the Governor and the legislature of each State within the boundaries of the proposed national monument have approved of such designation.

(b) RESTRICTIONS.—The Secretary of the Interior shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period (determined by the Secretary of the Interior) providing for public input.

SA 2303. Mr. COCHRAN 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, add the following:

SEC. 122_____. SHORT TITLE.

(a) SHORT TITLE.—This section may be cited as the ''Natchez Trace Parkway Land Conveyance Act of 2012''.

(b) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Natchez Trace Parkway, Proposed Boundary Change'', numbered 604/105392, and dated November 2010.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Mississippi.

(c) LAND CONVEYANCE.—

(1) CONVEYANCE AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in paragraph (2).

(B) COMPATIBLE USE.—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 and which is commonly known as the ''bean field property'' shall reserve an easement to the United States restricting the use of the parcel to only those uses which are compatible with the Natchez Trace Parkway.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are the 2 parcels totaling approximately 67 acres generally depicted as ''Proposed Conveyance'' on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) BOUNDARY ADJUSTMENTS.—

(1) EXCLUSION OF CONVEYED LAND.—On completion of the conveyance to the State of the land described in subsection (c)(2), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(2) INCLUSION OF ADDITIONAL LAND.—

(A) IN GENERAL.—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as ''Proposed Addition'' on the map.

(B) ADMINISTRATION.—The land added under subparagraph (A) shall be administered by the Secretary as part of the Natchez Trace Parkway.

SA 2304. Mr. COCHRAN 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, add the following:

SEC. 122____. TRANSFER OF YELLOW CREEK PORT PROPERTIES.

In accordance with section 4(k) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)), Congress approves the conveyance by the Tennessee Valley Authority, on behalf of the United States, to the State of Mississippi of the Yellow Creek Port properties owned by the United States and in the custody of the Authority at Iuka, Mississippi, as of the date of enactment of this Act.

SA 2305. Mr. CRAPO (for himself and Mr. JOHANNS) 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. ____. BUSINESS RISK MITIGATION AND PRICE STABILIZATION.

(a) MARGIN REQUIREMENTS.—

(1) COMMODITY EXCHANGE ACT AMENDMENT.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A) or satisfies the criteria in section 2(h)(7)(D).''.

(2) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(e)), as added by section 764(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4).''.

(b) IMPLEMENTATION.—The amendments made by this section to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

SA 2306. Ms. MURKOWSKI (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. WHITEHOUSE, and Mr. GRAHAM) 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—

''(i) commercial fishing; or

''(ii) the production of shellfish.

''(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—

''(i) commercial fishing; or

''(ii) the production of shellfish.

SA 2307. Mr. UDALL of Colorado 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 801, line 6, strike ''$20,000,000'' and insert ''$30,000,000''.

SA 2308. 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 1009, after line 11, add the following:

SEC. 12207. CHIEF AGRICULTURE COUNSEL; RULES SIGNIFICANTLY AFFECTING AGRICULTURE IN THE UNITED STATES.

(a) DEFINITION OF ADMINISTRATOR.—The term ''Administrator'' means Administrator of the Environmental Protection Agency.

(b) CHIEF AGRICULTURE COUNSEL.—

(1) IN GENERAL.—There shall be in the Environmental Protection Agency a Chief Agriculture Counsel, who shall be appointed by the President from among persons who—

(A) have been nominated by the Secretary of Agriculture and the Administrator of the Environmental Protection Agency; and

(B) have significant experience in agriculture.

(2) DUTIES.—

(A) IN GENERAL.—The Chief Agriculture Counsel shall perform such functions and duties as the Administrator shall prescribe, consistent with this Act.

(B) REQUIREMENTS.—The duties of the Chief Agriculture Counsel shall include, at a minimum, a review of each rule promulgated by the Administrator of the Environmental Protection Agency to determine whether the rule impacts agriculture in the United States.

(c) RULES SIGNIFICANTLY AFFECTING AGRICULTURE IN THE UNITED STATES.—

(1) IN GENERAL.—If the Chief Agriculture Counsels determines that a rule promulgated by the Administrator will significantly affect agriculture in the United States, the Chief Agriculture Counsel shall submit to the Administrator and include in the official record of the rulemaking a written report that contains—

(A) an impact analysis of the manner in which the rule will impact agriculture in the United States;

(B) any recommendations of the Chief Agriculture Counsel for changes to the rule to ensure that the rule is not unreasonably burdensome on agricultural producers; and

(C) a list of reasons why the rule should or should not become final.

(2) EFFECT.—A rule described in paragraph (1) shall not take effect until the date on which the Administrator publishes in the Federal Register a detailed description of the manner by which the Administrator responded to the report of the Chief Agriculture Counsel.

SA 2309. Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS) 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 968, between lines 4 and 5, insert the following:

SEC. 11017. STUDY OF FOOD SAFETY INSURANCE.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11016) is amended by adding at the end the following:

''(19) STUDY OF FOOD SAFETY INSURANCE.—

''(A) IN GENERAL.—The Corporation shall offer to enter into a contract with 1 or more qualified entities to conduct a study to determine whether offering policies that provide coverage for specialty crops from food safety and contamination issues would benefit agricultural producers.

''(B) SUBJECT.—The study described in subparagraph (A) shall evaluate policies and plans of insurance coverage that provide protection for production or revenue impacted by food safety concerns including, at a minimum, government, retail, or national consumer group announcements of a health advisory, removal, or recall related to a contamination concern.

''(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation 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 conducted under subparagraph (A).''.

SA 2310. Mr. SANDERS (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. CONSUMERS RIGHT TO KNOW ABOUT GENETICALLY ENGINEERED FOOD ACT.

(a) SHORT TITLE.—This section may be cited as the ''Consumers Right to Know About Genetically Engineered Food Act''.

(b) FINDINGS.—Congress finds that—

(1) surveys of the American public consistently show that 90 percent or more of the people of the United States want genetically engineered to be labeled as such;

(2) a landmark public health study in Canada found that—

(A) 93 percent of pregnant women had detectable toxins from genetically engineered foods in their blood; and

(B) 80 percent of the babies of those women had detectable toxins in their umbilical cords;

(3) the tenth Amendment to the Constitution of the United States clearly reserves powers in the system of Federalism to the States or to the people; and

(4) States have the authority to require the labeling of foods produced through genetic engineering or derived from organisms that have been genetically engineered.

(c) DEFINITIONS.—In this section:

(1) GENETIC ENGINEERING.—

(A) IN GENERAL.—The term ''genetic engineering'' means a process that alters an organism at the molecular or cellular level by means that are not possible under natural conditions or processes.

(B) INCLUSIONS.—The term ''genetic engineering'' includes—

(i) recombinant DNA and RNA techniques;

(ii) cell fusion;

(iii) microencapsulation;

(iv) macroencapsulation;

(v) gene deletion and doubling;

(vi) introduction of a foreign gene; and

(vii) changing the position of genes.

(C) EXCLUSIONS.—The term ''genetic engineering'' does not include any modification to an organism that consists exclusively of—

(i) breeding;

(ii) conjugation;

(iii) fermentation;

(iv) hybridization;

(v) in vitro fertilization; or

(vi) tissue culture.

(2) GENETICALLY ENGINEERED INGREDIENT.—The term ''genetically engineered ingredient'' means any ingredient in any food, beverage, or other edible product that—

(A) is, or is derived from, an organism that is produced through the intentional use of genetic engineering; or

(B) is, or is derived from, the progeny of intended sexual reproduction, asexual reproduction, or both of 1 or more organisms described in subparagraph (A).

(d) RIGHT TO KNOW.—Notwithstanding any other Federal law (including regulations), a State may require that any food, beverage, or other edible product offered for sale in that State have a label on the container or package of the food, beverage, or other edible product, indicating that the food, beverage, or other edible product contains a genetically engineered ingredient.

(e) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs and the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture, shall submit a report to Congress detailing the percentage of food and beverages sold in the United States that contain genetically engineered ingredients.

SA 2311. Mr. BLUMENTHAL (for himself, Mr. KIRK, Ms. CANTWELL, Mr. BROWN of Massachusetts, Ms. LANDRIEU, and 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 1009, after line 11, add the following:

SEC. 12207. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT; ENFORCEMENT OF ANIMAL FIGHTING PROVISIONS.

(a) PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''SPONSORING OR EXHIBITING AN ANIMAL IN'' and inserting ''SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND'';

(B) in paragraph (1)—

(i) in the heading, by striking ''IN GENERAL'' and inserting ''SPONSORING OR EXHIBITING''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

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

(D) by inserting after paragraph (1) the following new paragraph:

''(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

''(A) knowingly attend an animal fighting venture; or

''(B) knowingly cause a minor to attend an animal fighting venture.''; and

(2) in subsection (g), by adding at the end the following new paragraph:

''(5) the term 'minor' means a person under the age of 18 years old.''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) IN GENERAL.—Whoever'';

(2) in subsection (a), as designated by paragraph (1) of this section, by striking ''subsection (a),'' and inserting ''subsection (a)(1),''; and

(3) by adding at the end the following new subsections:

''(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

''(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.''.

SA 2312. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 121____. LARGE CARNIVORE DAMAGE PREVENTION PROGRAM.

(a) PURPOSE.—The purpose of this section is to test, evaluate, and deploy tools, technologies, and other nonlethal innovations designed to mitigate or avoid conflict with large carnivores.

(b) DEFINITIONS.—In this section:

(1) 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).

(2) LARGE CARNIVORES.—The term ''large carnivores'' means predators that are or have been protected or reintroduced by the Federal Government.

(3) LIVESTOCK.—The term ''livestock'' means cattle, swine, horses, mules, sheep, goats, livestock guard animals, as determined by the Secretary.

(4) PROGRAM.—The term ''program'' means the program established by subsection (c).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(c) LARGE CARNIVORE DAMAGE PREVENTION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program, consistent with the purpose described in subsection (a), to provide grants to States and Indian tribes for competitive grants to livestock producers to carry out proactive activities to reduce the risk of predation and decreased livestock productivity due to predation by large carnivores.

(2) CRITERIA AND REQUIREMENTS.—The Secretary shall—

(A) establish criteria and requirements to implement the program; and

(B) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide—

(i) assistance to livestock producers to carry out proactive activities to reduce the risk of livestock loss due to predation by large carnivores; or

(ii) compensation to livestock producers for livestock losses due to predation by large carnivores.

(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a State or Indian tribe shall—

(A) establish an open, competitive process to adjudicate fund applications from livestock producers and partners, including nongovernmental organizations, State and local governments, and producer organizations;

(B) follow protocols developed by the Secretary; and

(C) submit to the Secretary—

(i) an annual report that includes—

(I) a summary of expenditures under the program during the year;

(II) an analysis of any measured impact on large carnivore conflicts with livestock; and

(III) any recommendations of grant recipients; and

(ii) any other report the Secretary determines to be necessary to assist the Secretary in determining the effectiveness of the program.

(4) ALLOCATION OF FUNDING.—The Secretary shall allocate funding made available to carry out this section among States and Indian tribes based on—

(A) whether the State or Indian tribe is located in a geographical area that has a high population of large carnivores that have been reintroduced by the Federal Government; or

(B) any other factors that the Secretary determines to be necessary.

(5) ELIGIBLE LAND.—The program described in paragraph (1) may be carried out on Federal, State, or private land, including land that is owned by, or held in trust for the benefit of, an Indian tribe.

(6) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this section shall not exceed 50 percent of the total cost of the activity, including in-kind support by the non-Federal partner.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2014 and each fiscal year thereafter.

(e) APPLICABILITY.—Nothing in this section affects, modifies, or limits any other Federal law (including regulations) relating to wildlife, including the authority of livestock producers and the Administrator of the Animal and Plant Health Inspection Service, acting through Wildlife Services, to lethally remove a predator carnivore—

(1) in response to livestock predation; or

(2) that is caught in the act of attempting to kill livestock.

SA 2313. Mr. LEE 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 862, strike line 15 and all that follows through page 863, line 2, and insert the following:

SEC. 8103. FOREST LEGACY PROGRAM.

(a) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2A(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(c)) is amended—

(A) in paragraph (3), by inserting ''and'' after the semicolon;

(B) in paragraph (4), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (5).

(2) Section 19(b)(2) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(2)) is amended—

(A) in subparagraph (B), by inserting ''and'' after the semicolon;

(B) in subparagraph (C), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (D).

SA 2314. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitles A and B of title II and insert the following:

SEC. 2001. REPEAL OF CONSERVATION RESERVE PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is repealed.

SEC. 2101. REPEAL OF CONSERVATION STEWARDSHIP PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

SA 2315. Mr. LEE 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. _____. TREATMENT OF INTRASTATE SPECIES.

(a) DEFINITION OF INTRASTATE SPECIES.—In this Act, the term ''intrastate species'' means any species of plant or fish or wildlife (as those terms are defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532)) that is found entirely within the borders of a single State.

(b) TREATMENT.—An intrastate species shall not be—

(1) considered to be in interstate commerce; and

(2) subject to regulation under—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) any other provision of law under which regulatory authority is based on the power of Congress to regulate interstate commerce as enumerated in article I, section 8, clause 3 of the Constitution.

SA 2316. Mr. LEE 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 897, strike line 16 and all that follows through page 914, line 9 and insert the following:

SEC. 9010. BIOMASS CROP ASSISTANCE PROGRAM.

Section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) is repealed.

SA 2317. Mr. LEE (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:

At the appropriate place, insert the following:

SEC. _____. REINS ACT.

(a) SHORT TITLE.—This section may be cited as the ''Regulations From the Executive in Need of Scrutiny Act of 2011'' or the ''REINS Act''.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(B) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(C) By requiring a vote in Congress, this Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(2) PURPOSE.—The purpose of this section is to increase accountability for and transparency in the Federal regulatory process.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—Chapter 8 of title 5, United States Code, is amended to read as follows:

"CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''Sec.
''801. Congressional review.
''802. Congressional approval procedure for major rules.
''803. Congressional disapproval procedure for nonmajor rules.
''804. Definitions.
''805. Judicial review.
''806. Exemption for monetary policy.
''807. Effective date of certain rules.

"§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the agency's actions pursuant to title 5 of the United States Code, sections 603, 604, 605, 607, and 609;

''(iii) the agency's actions pursuant to title 2 of the United States Code, sections 1532, 1533, 1534, and 1535; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days, or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day, or

''(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

"§ 802. Congressional approval procedure for major rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced on or after the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress approves the rule submitted by the __ __ relating to __ __.' (The blank spaces being appropriately filled in).

''(1) In the House, the majority leader of the House of Representatives (or his designee) and the minority leader of the House of Representatives (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 legislative days after Congress receives the report referred to in section 801(a)(1)(A).

''(2) In the Senate, the majority leader of the Senate (or his designee) and the minority leader of the Senate (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 session days after Congress receives the report referred to in section 801(a)(1)(A).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2) For purposes of this section, the term 'submission date' means the date on which the Congress receives the report submitted under section 801(a)(1).

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint

resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e)(1) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 legislative days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th legislative day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to reconsider the vote by which a resolution is agreed to or disagreed to.

''(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

''(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply with respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(1) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(2) the vote on final passage shall be on the joint resolution of the other House.

''(g) The enactment of a resolution of approval does not serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, does not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the __ __ relating to __ __, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the nonmajor rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter—

''(1) the term 'Federal agency' means any agency as that term is defined in section 551(1);

''(2) the term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(3) the term 'nonmajor rule' means any rule that is not a major rule; and

''(4) the term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or

acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SA 2318. Ms. LANDRIEU 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, add the following:

SEC. _____. PROMOTION OF EXPORTS BY RURAL SMALL BUSINESSES.

(a) SMALL BUSINESS ADMINISTRATION-UNITED STATES DEPARTMENT OF AGRICULTURE INTERAGENCY COORDINATION.—

(1) EXPORT FINANCING PROGRAMS.—In coordination with the Secretary of Agriculture, the Administrator of the Small Business Administration (in this section referred to as the ''Administrator'' and the ''Administration'', respectively) shall develop a program to cross-train export finance specialists and personnel from the Office of International Trade of the Administration on the export financing programs of the Department of Agriculture and the Foreign Agricultural Service.

(2) EXPORT ASSISTANCE AND BUSINESS COUNSELING PROGRAMS.—In coordination with the Secretary of Agriculture and the Foreign Agricultural Service, the Administrator shall develop a program to cross-train export finance specialists, personnel from the Office of International Trade of the Administration, Small Business Development Centers, women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)), Export Assistance Centers, and other resource partners of the Administration on the export assistance and business counseling programs of the Department of Agriculture.

(b) REPORT ON LENDERS.—Section 7(a)(16)(F) of the Small Business Act (15 U.S.C. 636(a)(16)(F)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and adjusting the margins accordingly;

(B) by striking ''list, have made'' and inserting the following: ''list—

''(I) have made'';

(C) in item (cc), as so redesignated, by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(II) were located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986, or a nonmetropolitan statistical area and have made—

''(aa) loans guaranteed by the Administration; or

''(bb) loans through the programs offered by the United States Department of Agriculture or the Foreign Agricultural Service.''; and

(2) in clause (ii)(II), by inserting ''and by resource partners of the Administration'' after ''the Administration''.

(c) COOPERATION WITH SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(M) of the Small Business Act (15 U.S.C. 648(c)(3)(M)) is amended by inserting after ''the Department of Commerce,'' the following: ''the Department of Agriculture,''.

(d) LIST OF RURAL EXPORT ASSISTANCE RESOURCES.—Section 22(c)(7) of the Small Business Act (15 U.S.C. 649(c)(7)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) publishing an annual list of relevant resources and programs of the district and regional offices of the Administration, other Federal agencies, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector, that—

''(i) are administered or offered by entities located in rural or nonmetropolitan statistical areas; and

''(ii) offer export assistance or business counseling services to rural small businesses concerns; and''.

SA 2319. Ms. LANDRIEU 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, add the following:

SEC. ____. COORDINATION ON ECONOMIC INJURY DISASTER DECLARATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration (in this section referred to as the ''Administrator'' and the ''Administration'', respectively) shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report providing—

(1) information on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) made by the Administrator during the 10-year period ending on the date of enactment of this Act, based on a natural disaster declaration by the Secretary of Agriculture;

(2) information on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) made by the Administrator during the 10-year period ending on the date of enactment of this Act based on a fishery resource disaster declaration from the Secretary of Commerce;

(3) information on whether the disaster response plan of the Administration under section 40 of the Small Business Act (15 U.S.C. 657l) adequately addresses coordination with the Secretary of Agriculture and the Secretary of Commerce on economic injury disaster assistance under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2));

(4) recommended legislative changes, if any, for improving agency coordination on economic injury disaster declarations under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)); and

(5) such additional information as determined necessary by the Administrator.

SA 2320. Ms. LANDRIEU 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 part II of subtitle E of title VII, add the following:

SEC. 7515. IMPROVEMENTS TO THE PIONEER BUSINESS RECOVERY PROGRAM.

(a) IN GENERAL.—Section 12085 of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636j) is amended—

(1) in the section heading, by striking ''**EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM**'' and inserting ''**PIONEER BUSINESS RECOVERY PROGRAM**'';

(2) in subsection (a), by striking ''expedited disaster assistance business loan program'' and inserting ''Pioneer Business Recovery Program'';

(3) in subsection (b), by striking by striking ''an expedited disaster assistance business loan program'' and inserting ''a Pioneer Business Recovery Program''; and

(4) in subsection (d)(3)(G)—

(A) in clause (i), by striking ''section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))'' and inserting ''section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E))''; and

(B) in clause (ii), by inserting ''child care services,'' after ''manufactured housing,''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 923) is amended by striking the item relating to section 12085 and inserting the following:

''Sec. 12085. Pioneer Business Recovery Program.''.

SA 2321. Ms. LANDRIEU 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 508, strike lines 13 and 14 and insert the following:

''SEC. 3430. PROHIBITION ON USE OF LOANS FOR CERTAIN PURPOSES.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary may not approve a loan under this subtitle to drain, dredge, fill, level, or otherwise manipulate a wetland (as defined in section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a))), or to engage in any activity that results in impairing or reducing the flow, circulation, or reach of water.

''(b) PRIOR ACTIVITY.—Subsection (a) does not apply in the case of—

''(1) an activity related to the maintenance of a previously converted wetland; or

''(2) an activity that had already commenced before November 28, 1990.

''(c) EXCEPTION.—This section shall not apply to a loan made or guaranteed under this subtitle for a utility line.

"SEC. 3431. AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS.

Beginning on page 750, strike line 14 and all that follows through page 751, line 6.

SA 2322. Ms. LANDRIEU 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 996, strike line 21 and all that follows through page 998, line 7, and insert the following:

SEC. 12105. FERAL SWINE ERADICATION PILOT PROGRAM.

(a) IN GENERAL.—To eradicate or control the threat feral swine pose to the domestic swine population, the entire livestock industry, crops, natural plant communities, native habitats, and wetlands, the Secretary, in consultation with the Director of the United States Fish and Wildlife Service, may establish a feral swine eradication pilot program.

(b) PILOT.—Subject to the availability of appropriations under this section, the Secretary may provide financial assistance to States and other qualified entities for the cost of carrying out a pilot program—

(1) to study and assess the nature and extent of damage to the pilot area caused by feral swine;

(2) to develop methods to eradicate or control feral swine in the pilot area; and

(3) to develop methods to restore damage caused by feral swine.

(c) PRIORITY.—For purposes of providing assistance under subsection (b), the Secretary shall give priority to an area of a State in which activities to eradicate other mammalian invasive species have been conducted.

(d) COORDINATION.—The Secretary shall ensure that the Natural Resource Conservation Service and the Animal and Plant Health Inspection Service, in consultation with the States and other appropriate agencies, coordinate to carry out the pilot program.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the pilot program under this section may not exceed 75 percent of the total costs of carrying out the pilot program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the pilot program may be provided in the form of in-kind contributions of materials or services.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2013 through 2017.

SA 2323. Ms. LANDRIEU 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. ____. REGIONAL OUTREACH ON DISASTER ASSISTANCE PROGRAMS.

(a) REPORT.—In accordance with sections 7(b)(4) and 40(a) of the Small Business Act (15 U.S.C. 636(b)(4) and 657l(a)) and not later than 60 days after the date of enactment of this Act, the Administrator of the Small Business Administration (referred to in this section as the "Administrator" and the "Administration", respectively) shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report detailing—

(1) information on the disasters, manmade or natural, most likely to occur in each region of the Administration and likely scenarios for each disaster in each region;

(2) information on plans of the Administration, if any, to conduct annual disaster outreach seminars, including events with resource partners of the Administration, in each region before periods of predictable disasters described in paragraph (1);

(3) information on plans of the Administration for satisfying the requirements under section 40(a) of the Small Business Act not satisfied on the date of enactment of this Act; and

(4) such additional information as determined necessary by the Administrator.

(b) AVAILABILITY OF INFORMATION.—The Administrator shall—

(1) post the disaster information provided under subsection (a) on the website of the Administration; and

(2) make the information provided under subsection (a) available, upon request, at each regional and district office of the Administration.

SA 2324. Mr. SANDERS (for himself and 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 345, strike lines 5 through 10 and insert the following:

SEC. 4201. PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.

Section 10603(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4(b)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) in paragraph (1) (as so designated), by striking "2012" and inserting "2017"; and

(3) by adding at the end the following:

"(2) DEPARTMENT OF DEFENSE PROGRAM OPTION.—A school or service institution described in paragraph (1) may carry out this section by—

"(A) electing to participate in the Department of Defense fresh fruit and vegetable distribution program;

"(B) under such terms and conditions as the Secretary shall establish, purchasing locally and regionally grown fruits and vegetables with amounts that would have been used by the school or service institution to participate in the Department of Defense fresh fruit and vegetable distribution program; or

"(C) carrying out a combination of the activities described in subparagraphs (A) and (B).".

SA 2325. Mr. CHAMBLISS (for himself, Mr. COCHRAN, Mr. BOOZMAN, Mr. ISAKSON, Mr. PRYOR, and Ms. LANDRIEU) 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 20, line 17, strike "If" and insert "Except as provided in subsection (d), if".

On page 27, after line 25, add the following:

(d) ALTERNATIVE COUNTER-CYCLICAL PAYMENTS FOR RICE AND PEANUTS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of this section, for the period of crop years 2013 through 2017, producers of rice and peanuts may make a 1-time, irrevocable election to receive counter-cyclical payments for rice and peanuts in accordance with the terms and conditions of section 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8754) (as it existed on the day before the date of enactment of this Act), in lieu of receiving payments for rice and peanuts in accordance with subsections (a) through (c).

(2) ADMINISTRATION.—For purposes of payments made under paragraph (1)—

(A) the target price for peanuts shall be $534 per ton;

(B) the target price for long grain rice shall be $13.98 per hundredweight;

(C) the target price for medium grain rice shall be $13.98 per hundredweight; and

(D) payment acres shall be 100 percent of the acres planted to rice and peanuts, not to exceed eligible acres.

SA 2326. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 146, between lines 8 and 9, insert the following:

(b) APPLICATION.—The amendments made by this section do not apply until the date the Secretary completes and submits to Congress a study that certifies that the amendments do not adversely affect the eligibility of beginning farmers, farmers with disabilities, and the spouses of those farmers who are eligible for payments under provisions of law covered by the amendments as of the day before the date of enactment of this Act.

SA 2327. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 22, strike lines 8 and 9 and insert the following:

(B) the cost of production (as defined by the Secretary) for the crop year for the covered commodity.

SA 2328. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 21, strike lines 1 through 5 and insert the following:

(A) in the case of a county with sufficient data (as determined by the Secretary), county coverage under this section; or

(B) coverage under this section based on the applicable crop reporting district.

Beginning on page 22, strike line 20 and all that follows through page 23, line 2, and insert the following:

(A)(i) in the case of county coverage, the actual average yield for the county for the covered commodity, as determined by the Secretary; or

(ii) in the case of crop reporting district coverage, the actual average yield for the applicable crop reporting district for the covered commodity, as determined by the Secretary; and

Beginning on page 23, strike line 18 and all that follows through page 24, line 6, and insert the following:

(I)(aa) in the case of county coverage, the average historical county yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(bb) in the case of crop reporting district coverage, the average historical yield for the applicable crop reporting district, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

On page 24, line 20, insert ''established by the Secretary'' after ''year''.

On page 25, line 2, insert ''established by the Secretary'' after ''year''.

On page 26, line 10, strike ''individual coverage'' and insert ''county coverage''.

On page 26, line 17, strike ''county coverage'' and insert ''crop reporting district coverage''.

SA 2329. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 27, strike lines 9 through 15 and insert the following:

(C) differentiate by type or class the national average price of—

(i) sunflower seeds;

(ii) barley, using malting barley values; and

(iii) wheat;

(D) ensure that a producer that elects to receive county coverage under this section only receives an agriculture risk coverage payment for a crop year if the producer suffers an actual loss on the farm during that crop year, as determined by the Secretary; and

(E) assign a yield for each acre planted or

SA 2330. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 21, strike lines 1 through 5 and insert the following:

(A) in the case of a county with sufficient data (as determined by the Secretary), county coverage under this section; or

(B) coverage under this section based on the applicable crop reporting district.

Beginning on page 22, strike line 20 and all that follows through page 23, line 2, and insert the following:

(A)(i) in the case of county coverage, the actual average yield for the county for the covered commodity, as determined by the Secretary; or

(ii) in the case of crop reporting district coverage, the actual average yield for the applicable crop reporting district for the covered commodity, as determined by the Secretary; and

On page 23, line 12, strike ''89 percent'' and insert ''85 percent''.

Beginning on page 23, strike line 18 and all that follows through page 24, line 6, and insert the following:

(I)(aa) in the case of county coverage, the average historical county yield, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(bb) in the case of crop reporting district coverage, the average historical yield for the applicable crop reporting district, as determined by the Secretary, for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

On page 24, line 20, insert ''established by the Secretary'' after ''year''.

On page 25, line 2, insert ''established by the Secretary'' after ''year''.

On page 25, line 24, strike ''10 percent'' and insert ''20 percent''.

On page 26, line 10, strike ''individual coverage'' and insert ''county coverage''.

On page 26, line 17, strike ''county coverage'' and insert ''crop reporting district coverage''.

SA 2331. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 763, strike lines 20 and 21 and insert the following:

(2) in subsection (b)—

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

''(1) BROADBAND SERVICE.—The term 'broadband service' means any terrestrial technology identified by the Secretary as having the capacity to transmit data at speeds of at least at least 4 megabits per second downstream and 1 megabit per second upstream.''; and

(B) by striking paragraph (3) and inserting the following:

On page 767 strike lines 8 through 17 and insert the following:

(B) by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE PROJECTS.—Assistance provided under this section may be used to carry out a project in a proposed service territory only if, as of the date on which the application of the eligible entity is submitted, no funds are used to support any project (including for the upgrade of an existing broadband facility) for any proposed award area in which broadband service is available to more than 25 percent of residential households from existing wireless or wireline broadband providers, in the aggregate, other than the applicant.'';

(C) by striking ''loan or'' each place it appears in paragraphs (3)(A), (4), (5),

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SA 2332. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 953, between lines 8 and 9, insert the following:

SEC. 11011. ANNUAL LIMITATION ON ADMINISTRATIVE AND OPERATING EXPENSES.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 11010) is amended by adding at the end the following:

''(G) ANNUAL LIMITATION ON ADMINISTRATIVE AND OPERATING EXPENSES.—The amount paid by the Corporation to reimburse approved insurance providers and agents for the administrative and operating costs of the approved insurance providers and agents shall not exceed—

''(i) for the 2014 reinsurance year, $900,000,000; and

''(ii) for each subsequent reinsurance year, the amount of administrative and operating costs received for the preceding reinsurance year, adjusted to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending the preceding November 30.''.

SA 2333. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 953, between lines 8 and 9, insert the following:

SEC. 11011. REDUCED RATE OF RETURN.

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

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

SA 2334. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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. ___. JURISDICTION OF CORPS OF ENGINEERS.

Notwithstanding any other provision of law (including regulations), the Secretary of the Army, acting through the Chief of Engineers, shall not expand the jurisdiction of the Corps of Engineers to include any waters that are not navigable waters (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)).

SA 2335. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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. ___. PERMITS FOR DREDGED OR FILL MATERIAL.

Section 404(f) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)) is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2) of this subsection, the discharge'' and inserting ''The discharge''; and

(2) in paragraph (2), by striking ''having as its purpose bringing an area of the navigable waters into a use to which it was not previously subject, where the flow or circulation of navigable waters may be impaired or the reach of such waters be reduced,'' and inserting ''having as its purpose bringing an area into a use not described in paragraph (1)''.

SA 2336. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 12___. IMPORT PROHIBITIONS ON SPECIFIED FOREIGN PRODUCE.

Section 8e of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by insert ''olive oil,'' after ''clementines,''.

SA 2337. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 26, strike lines 12 and 13 and insert the following:

(I) 100 percent of the planted eligible acres of the covered commodity, but not to exceed the base acres (as defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)) of the covered commodity; and

On page 26, strike lines 18 and 19 and insert the following:

(I) 100 percent of the planted eligible acres of the covered commodity, but not to exceed the base acres (as defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)) of the covered commodity; and

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SA 2338. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12207. RENEWABLE FUEL PROGRAM.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by striking subsection (o).

SA 2339. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 69, strike line 15 and insert the following:

(2) CERTIFICATES OF QUOTA ELIGIBILITY.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended by adding at the end the following:

''(c) CERTIFICATES OF QUOTA ELIGIBILITY.—Notwithstanding any other provision of law, the President shall permit holders of certificates of quota eligibility for raw cane sugar to freely assign, trade, or transfer the certificates among other such holders to facilitate the use of the certificates to the maximum extent practicable.''.

(3) EFFECTIVE PERIOD.—Section 359l(a) of

SA 2340. Mr. CHAMBLISS (for himself and Mr. ISAKSON) 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 69, strike line 15 and insert the following:

(2) SUGAR IMPORT QUOTA ADJUSTMENT DATE.—Section 359k(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk(b)) is amended—

(A) by striking ''APRIL 1'' each place it appears and inserting ''FEBRUARY 1''; and

(B) by striking ''April 1'' each place it appears and inserting ''February 1''.

(3) EFFECTIVE PERIOD.—Section 359l(a) of

SA 2341. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

Subtitle D—Other Matters

SEC. 3301. PROHIBITION ON PROPOSAL OR ACCEPTANCE BY UNITED STATES TRADE REPRESENTATIVE DURING TRADE NEGOTIATIONS OF CERTAIN PROVISIONS AUTHORIZING REGULATION OF SPECIFIC AGRICULTURAL PRODUCTS.

In any negotiations for a trade agreement that are initiated after or ongoing on the date of the enactment of this Act, the United States Trade Representative may not propose or accept for inclusion in the agreement a provision that—

(1) authorizes the regulation of a specific agricultural product in manner that is discriminatory or differential relative to the treatment of all other agricultural products under the agreement; and

(2) provides for treatment (other than tariff treatment) of the specific agricultural product that is less favorable than the treatment provided for that product under the terms of the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

SA 2342. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

On page 1009, after line 11 add the following:

SEC. 12207. REDUCTION OF ADMINISTRATIVE PERSONNEL.

(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), the Secretary shall reduce the total number of full-time equivalent staff who are assigned to the headquarters programs and activities of the Department of Agriculture by 2 percent during fiscal year 2013.

(b) PROHIBITION.—Employee reductions under this section shall not include employees of the Secretary who—

(1) work for the Farm Service Agency, Natural Resources Conservation Service, Risk Management Agency, or the rural development mission area; and

(2) are responsible for implementing programs of the Department described in this Act or an amendment made by this Act.

SA 2343. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3240, to reauthorize agricultural programs through 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, insert the following:

Subtitle D—HARVEST Act

SEC. 12301. SHORT TITLE.

This title may be cited as the ''Helping Agriculture Receive Verifiable Employees Securely and Temporarily Act of 2012'' or the ''HARVEST Act of 2012''.

SEC. 12302. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) farmers and ranchers in the United States produce the highest quality food and fiber in the world;

(2) abundant harvests in the United States allow this Nation to provide over ½ of the world's food aid donations to help our international neighbors in need;

(3) it is in the best interest of the American people for their agricultural goods to be produced in the United States;

(4) the United States is the world's largest agricultural exporter and is one of the few sectors of the United States economy that produces a trade surplus;

(5) the Secretary of Agriculture announced that the United States exported $108,700,000,000 worth of agricultural exports during fiscal year 2010;

(6) Americans enjoy the highest quality food at the lowest cost compared to any industrialized nation in the world, spending less than 10 percent of our household income on food;

(7) the continued safety of the agricultural goods produced in the United States is an issue of national security;

(8) the agricultural labor force of the United States is overwhelmingly composed of foreign labor;

(9) due to the importance of food safety, it is critical to know who is handling our Nation's food supply and who is working on our Nation's farms and ranches;

(10) there could be detrimental effects on the United States economy for farms to downsize or close operations due to labor shortages;

(11) decreased agricultural production could have ramifications throughout the farm support industries, such as food processing, fertilizers, and equipment manufacturers;

(12) a shortage of agriculture labor could lead to decreased supply and increased prices for food and fiber; and

(13) this Nation needs both secure borders and an immigration system that allows those who seek legal immigrant status through the proper channels to work in the diverse sectors of the agriculture industry.

SEC. 12303. ADMISSION OF TEMPORARY AGRICULTURAL WORKERS.

(a) DEFINITION.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by striking '', of a temporary or seasonal nature''.

(b) PROCEDURE FOR ADMISSION.—

(1) IN GENERAL.—Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

''SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

''(a) DEFINITIONS.—In this section and in section 218A:

''(1) ADVERSE EFFECT WAGE RATE.—The term 'adverse effect wage rate' means 115 percent of the greater of—

''(A) the State minimum wage; or

''(B) the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

''(2) AREA OF EMPLOYMENT.—The term 'area of employment' means the area within normal commuting distance of the work site or physical location at which the work of the H–2A worker is or will be performed. If such work site or location is within a Metropolitan Statistical Area, any place within such area shall be considered to be within the area of employment.

''(3) DISPLACE.—In the case of an application with respect to an H–2A worker filed by an employer, an employer 'displaces' a United States worker from a job if the employer lays off the worker from a job that is

essentially equivalent to the job for which the H–2A worker is sought. A job shall be considered essentially equivalent to another job if the job—

''(A) involves essentially the same responsibilities as the other job;

''(B) was held by a United States worker with substantially equivalent qualifications and experience; and

''(C) is located in the same area of employment as the other job.

''(4) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an alien who is not ineligible for an H–2A visa pursuant to subsection (l).

''(5) EMPLOYER.—The term 'employer' means an employer who hires workers to perform—

''(A) animal agriculture or agricultural processing;

''(B) agricultural work included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1986;

''(C) drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state; or

''(D) dairy or feedyard work.

''(6) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant who—

''(A) continuously maintains a residence and place of abode outside of the United States which the alien has no intention of abandoning; and

''(B)(i) is seeking to work for an employer performing agricultural labor in the United States for not more than 10 months during each calendar year in a job for which United States workers are not available and willing to perform such service or labor; or

''(ii)(I) is seeking to work for an employer performing agricultural labor in the United States in a job for which United States workers are not available and willing to perform such service or labor;

''(II) commutes each business day across the United States international border to work for a qualified United States employer; and

''(III) returns across the United States international border to his or her foreign residence and place of abode at the end of each business day.

''(7) LAY OFF.—

''(A) IN GENERAL.—The term 'lay off'—

''(i) means to cause a worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in paragraph (3) or (7) of subsection (b)); and

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under subsection (h), with either employer described in such subsection) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) CONSTRUCTION.—Nothing in this paragraph may be construed to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(8) UNITED STATES WORKER.—The term 'United States worker' means any worker who is a national of the United States, an alien lawfully admitted for permanent residence, or an alien authorized to work in the relevant job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).

''(b) LABOR ATTESTATION PROCESS.—The Secretary of Agriculture shall utilize the labor attestation process described in this subsection until the Secretary of Labor certifies that, based on State workforce agency data, there is an adequate domestic workforce in the United States to fill agricultural jobs in the State in which the agricultural employer is seeking H–2A workers. Once the Secretary of Labor certifies that there are adequate authorized workers in a State to fill agricultural jobs (excluding H–2A workers), the Secretary of Agriculture, after consultation with the Secretary of Labor, shall issue regulations describing a labor certification process for agricultural employers seeking H–2A workers. An alien may not be admitted as an H–2A worker unless the employer has filed an application with the Secretary of Agriculture in which the employer attests to the following:

''(1) TEMPORARY WORK OR SERVICES.—

''(A) IN GENERAL.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis and will provide compensation to such workers at a specified wage rate and under specified conditions.

''(B) SKILLED WORKERS.—If the worker is a Level 2 H–2A worker, the employer will recruit the worker separately and the application will delineate separate wage rate and conditions of employment for such worker.

''(C) DEFINED TERM.—In this paragraph and in subsection (h)(6)(B), a worker is considered to be 'employed on a temporary basis' if the employer employs the worker for not longer than 10 months in a calendar year.

''(2) BENEFITS, WAGES, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required under subsection (k) to—

''(A) all workers employed in the jobs for which the H–2A worker is sought; and

''(B) all other temporary workers in the same occupation at the same place of employment.

''(3) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not and will not displace a United States worker employed by the employer during the period of employment of the H–2A worker and during the 30-day period immediately preceding such period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(4) RECRUITMENT.—

''(A) IN GENERAL.—The employer will—

''(i) describe previous recruitment efforts made before the filing of the application; and

''(ii) complete adequate recruitment requirements before H–2A workers are issued a visa at an American consulate.

''(B) ADEQUATE RECRUITMENT.—The adequate recruitment requirements under subparagraph (A)(ii) are satisfied if the employer—

''(i) submits a copy of the job offer to the local office of the State workforce agency serving the area of intended employment and authorizes the posting of the job opportunity on the Department of Labor's electronic registry of job applications for all other occupations in the same manner as other United States employers, except that nothing in this clause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations;

''(ii) advertises the availability of the job opportunities for which the employer is seeking workers in a publication in the local market that is likely to be patronized by potential farm workers; and

''(iii) mails a letter through the United States Postal Service or otherwise contacts any United States worker the employer employed within the past year in the occupation at the place of intended employment for which the employer is seeking H–2A workers that describes available job opportunities, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(C) ADVERTISEMENT REQUIREMENT.—The advertisement requirement under subparagraph (B)(ii) is satisfied if the employer runs an advertisement for 2 consecutive days that—

''(i) names the employer;

''(ii) describes the job or jobs;

''(iii) provides instructions on how to contact the employer to apply for the job;

''(iv) states the duration of employment;

''(v) describes the geographic area with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job;

''(vi) states the rate of pay; and

''(vii) describes working conditions and the availability of housing or the amount of housing allowances.

''(D) END OF RECRUITMENT REQUIREMENT.—The requirement to recruit and hire United States workers for the contract period for which H–2A workers have been hired shall terminate on the first day of such contract period.

''(5) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job for which the nonimmigrant is sought to any eligible United States worker who—

''(A) applies;

''(B) will be available at the time and place of need; and

''(C) is able and willing to complete the period of employment.

''(6) PROVISION OF INSURANCE.—If the job for which the H–2A worker is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment. No employer shall be liable for the provision of health insurance for any H–2A worker.

''(7) STRIKE OR LOCKOUT.—There is not a strike or lockout in the course of a labor dispute that precludes the hiring of H–2A workers.

''(8) PREVIOUS VIOLATIONS.—The employer has not, during the previous 5-year period, employed H–2A workers and knowingly violated a material term or condition of approval with respect to the employment of domestic or nonimmigrant workers, as determined by the Secretary of Agriculture after notice and opportunity for a hearing.

''(c) PUBLIC EXAMINATION.—Not later than 1 working day after the date on which an application is filed under this section, the employer shall make a copy of each such application (and any necessary accompanying documents) available for public examination, at the employer's work site or principal place of business.

''(d) LIST.—

''(1) IN GENERAL.—The Secretary of Agriculture shall maintain a list of the applications filed under subsection (b), sorted by employer, which shall include—

''(A) the number of H–2A workers sought;

''(B) the wage rate;

''(C) the date work is scheduled to begin; and

''(D) the period of intended employment.

''(2) AVAILABILITY.—The Secretary of Agriculture shall make the list described in paragraph (1) available for public examination.

''(e) APPLYING FOR ADMISSION.—

''(1) IN GENERAL.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker shall file an application that includes the attestations described in subsection (b) with the Secretary of Agriculture.

''(2) CONSIDERATION OF APPLICATIONS.—For each application filed under this subsection—

''(A) the Secretary of Agriculture may not require such application to be filed more than 60 days before the first date on which the employer requires the labor or services of the H–2A worker; and

''(B) unless the Secretary of Agriculture determines that the application is incomplete or obviously inaccurate, or the Secretary has probable cause to suspect the application was fraudulently made, the Secretary shall either approve or deny the application not later than 15 days after the date on which such application was filed.

''(3) APPLICATION AGREEMENTS.—By filing an H–2A application, an applicant and each employer consents to allow the Department of Agriculture access to the site where labor is being performed for the purpose of determining compliance with H–2A requirements.

''(4) MULTISTATE EMPLOYERS.—Employers with multiple operations may use H–2A workers in the occupations for which they are sought in all places in which the employer has operations if the employer—

''(A) designates on the application each location at which such workers will be used; and

''(B) performs adequate recruitment efforts in each State in which such workers will be used.

''(f) ROLES OF AGRICULTURAL ASSOCIATIONS.—

''(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—An application to hire an H–2A worker may be filed by an association of agricultural employers which use agricultural labor.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of H–2A workers, such H–2A workers may be transferred among its members to perform agricultural labor of the same nature for which the application was approved.

''(3) TREATMENT OF VIOLATIONS.—

''(A) INDIVIDUAL MEMBER.—If an individual member of a joint employer association violates any condition for approval with respect to the member's application, the Secretary of Agriculture shall deny such application only with respect to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or had reason to know of the violation.

''(B) ASSOCIATION OF AGRICULTURAL EMPLOYERS.—

''(i) JOINT EMPLOYER.—If an association representing agricultural employers as a joint employer violates any condition for approval with respect to the association's application, the Secretary of Agriculture shall deny such application only with respect to the association and may not apply the denial to any individual member of the association, unless the Secretary determines that the member participated in, had knowledge of, or had reason to know of the violation.

''(ii) SOLE EMPLOYER.—If an association of agricultural employers approved as a sole employer violates any condition for approval with respect to the association's application, no individual member of the association may be the beneficiary of the services of H–2A workers admitted under this section in the occupation in which such H–2A workers were employed by the association which was denied approval during the period such denial is in force.

''(g) EXPEDITED ADMINISTRATIVE APPEALS.—The Secretary of Agriculture, in conjunction with the Secretary of State and the Secretary of Homeland Security, shall issue regulations to provide for an expedited procedure—

''(1) for the review of a denial of an application under this section by any of the Secretaries; or

''(2) at the applicant's request, for a de novo administrative hearing of the denial.

''(h) MISCELLANEOUS PROVISIONS.—

''(1) REQUIREMENTS FOR PLACEMENT OF H–2A WORKERS WITH OTHER EMPLOYERS.—An H–2A worker may be transferred to another employer that has had an application approved under this section. The Secretary of Homeland Security and the Secretary of State shall issue regulations to establish a process for the approval and reissuance of visas for transferred H–2A workers.

''(2) ENDORSEMENT OF DOCUMENTS.—The Secretary of Homeland Security shall provide for the endorsement of entry and exit documents of H–2A workers to carry out this section and to provide notice under section 274A.

''(3) PREEMPTION OF STATE LAWS.—This section and subsections (a) and (c) of section 214 preempt any State or local law regulating admissibility of nonimmigrant workers.

''(4) FEES.—The Secretary of Agriculture may charge a reasonable fee to recover the costs of processing applications under this section. In determining the amount of the fee to be charged under this paragraph, the Secretary shall consider whether the employer is a single employer or an association and the number of H–2A workers intended to be employed.

''(5) E-VERIFY PARTICIPATION BY EMPLOYERS.—The Secretary of Agriculture shall require employers participating in the H–2A program to register with and participate in E–Verify, as established under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).

''(i) FAILURE TO MEET CONDITIONS.—

''(1) IN GENERAL.—The Secretary of Agriculture shall conduct investigations and random audits of employer work sites to ensure employer compliance with the requirements under this section. All monetary fines assessed under this section shall be paid by the violating employer to the Department of Agriculture and used by the Secretary to conduct audits and investigations.

''(2) PENALTIES FOR FAILURE TO MEET CONDITIONS.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a failure to meet a material condition under subsection (b), or a material misrepresentation of fact in an application filed under subsection (b), the Secretary—

''(A) shall notify the Secretary of Homeland Security of such finding; and

''(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $1,000 per violation, as the Secretary of Agriculture determines to be appropriate.

''(3) PENALTIES FOR WILLFUL FAILURE.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a willful failure to meet a material condition under subsection (b) or a willful misrepresentation of a material fact in an application filed under subsection (b), the Secretary—

''(A) shall notify the Secretary of Homeland Security of such finding;

''(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $5,000 per violation, as the Secretary of Agriculture determines to be appropriate;

''(C) may disqualify the employer from the employment of H–2A workers for a period of 2 years;

''(D) for a second violation, may disqualify the employer from the employment of H–2A workers for a period of 5 years; and

''(E) for a third violation, may permanently disqualify the employer from the employment of H–2A workers.

''(4) PENALTIES FOR DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a willful failure to meet a material condition of subsection (b) or a willful misrepresentation of a material fact in an application filed under subsection (b), and the employer displaced a United States worker employed by the employer during the period of employment on the employer's application, or during the 30-day period preceding such period of employment, the Secretary—

''(A) shall notify the Secretary of Homeland Security of such finding;

''(B) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $15,000 per violation, as the Secretary of Agriculture determines to be appropriate;

''(C) may disqualify the employer from the employment of H–2A workers for a period of 5 years; and

''(D) for a second violation, may permanently disqualify the employer from the employment of H–2A workers.

''(5) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Agriculture may not impose total civil money penalties with respect to an application filed under subsection (b) in excess of $100,000.

''(j) FAILURE TO PAY WAGES OR REQUIRED BENEFITS.—

''(1) IN GENERAL.—The Secretary of Agriculture shall conduct investigations and random audits of employer work sites to ensure employer compliance with the requirements under this section.

''(2) ASSESSMENT.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages or provide the housing allowance, transportation, subsistence requirement, or guarantee of employment attested in the application filed by the employer under subsection (b)(2), the Secretary shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question.

''(3) AMOUNT.—The back wages or other required benefits described in paragraph (2)—

''(A) shall be equal to the difference between the amount that should have been paid and the amount that was paid to such worker; and

''(B) shall be distributed to the worker to whom such wages are due.

''(k) MINIMUM WAGES, BENEFITS, AND WORKING CONDITIONS.—

''(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—

''(A) IN GENERAL.—Each employer seeking to hire United States workers shall offer such workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers in the same occupation. No job offer may impose any restriction or obligation on United States workers which will not be imposed on the employer's H–2A workers. The benefits, wages, and other terms and conditions of employment described in this subsection shall be provided

in connection with employment under this section.

''(B) INTERPRETATION.—Every interpretation and determination made under this section or under any other law, regulation, or interpretative provision regarding the nature, scope, and timing of the provision of these and any other benefits, wages, and other terms and conditions of employment shall be made so that—

''(i) the services of workers to their employers and the employment opportunities afforded to workers by the employers, including those employment opportunities that require United States workers or H–2A workers to travel or relocated in order to accept or perform employment—

''(I) mutually benefit such workers, as well as their families, and employers;

''(II) principally benefit neither employer nor employee; and

''(III) employment opportunities within the United States benefit the United States economy.

''(2) REQUIRED WAGES.—

''(A) IN GENERAL.—Each employer applying for workers under subsection (b) shall pay not less (and is not required to pay more) than the greater of—

''(i) the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage;

''(ii) the adverse effect wage rate.

''(B) WAGES FOR LEVEL 2 H–2A WORKERS.—

''(i) IN GENERAL.—Each employer applying for Level 2 H–2A workers under subsection (b) shall pay such workers not less than 140 percent of the adverse effect wage rate for H–2A workers, excluding piece-rate wages.

''(ii) WAGE RATE DATA.—The Secretary of Agriculture shall expand and disaggregate the source of wage rate data used in the survey conducted by the National Agricultural Statistics Service to include—

''(I) first line farming supervisors/managers;

''(II) graders and sorters of agricultural products;

''(III) agricultural equipment operators;

''(IV) crop and nursery farmworkers and laborers;

''(V) ranch and farm animal farmworkers; and

''(VI) all other agricultural workers.

''(iii) STUDY AND REPORT.—

''(I) STUDY.—After the Secretary of Agriculture collects wage rate data for 2 years using the method described in clause (ii), the Secretary of Agriculture, in conjunction with the Secretary of Labor, shall conduct a study to determine if—

''(aa) the wages accurately reflect prevailing wages for similar occupations in the area of employment; and

''(bb) it is necessary to establish a new wage methodology to prevent the depression of United States farmworker wages.

''(II) REPORT.—Not later than 3 years after the date of the enactment of the HARVEST Act of 2012, the Secretary of Agriculture shall submit a final report reflecting the findings of the study conducted under subclause (I) to—

''(aa) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(bb) the Committee on the Judiciary of the Senate;

''(cc) the Committee on Agriculture of the House of Representatives; and

''(dd) the Committee on the Judiciary of the House of Representatives.

''(3) HOUSING REQUIREMENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (F), each employer applying for workers under subsection (b) shall offer to provide housing at no cost to—

''(i) all workers in job opportunities for which the employer has applied under subsection (b); and

''(ii) all other workers in the same occupation at the same place of employment whose place of residence is beyond normal commuting distance.

''(B) COMPLIANCE.—An employer meets the requirement under subparagraph (A) if the employer—

''(i) provides the workers with housing that meets applicable Federal standards for temporary labor camps; or

''(ii) secures housing for the workers that—

''(I) meets applicable local standards for rental or public accommodation housing, or other substantially similar class of habitation; or

''(II) in the absence of applicable local standards, meets State standards for rental or public accommodation housing or other substantially similar class of habitation.

''(C) INSPECTION.—

''(i) REQUEST.—At the time an employer that plans to provide housing described in subparagraph (B) to H–2A workers files an application for H–2A workers with the Secretary of Agriculture, the employer shall request a certificate of inspection by an approved Federal or State agency.

''(ii) INSPECTION; FOLLOW UP.—Not later than 28 days after the receipt of a request under clause (i), the Secretary of Agriculture shall ensure that—

''(I) such an inspection has been conducted; and

''(II) any necessary follow up has been scheduled to ensure compliance with the requirements under this paragraph.

''(iii) DELAY PROHIBITED.—The Secretary of Agriculture may not delay the approval of an application for failing to comply with the deadlines set forth in clause (iii).

''(D) RULEMAKING.—The Secretary of Agriculture shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) HOUSING ALLOWANCE.—

''(i) AUTHORITY.—If the Governor of a State certifies to the Secretary of Agriculture that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work, an employer in such State may provide a reasonable housing allowance instead of offering housing pursuant to subparagraph (A). An employer who provides a housing allowance to a worker shall not be required to reserve housing accommodations for the worker.

''(ii) ASSISTANCE IN LOCATING HOUSING.—Upon the request of a worker seeking assistance in locating housing, an employer providing a housing allowance under clause (i) shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment.

''(iii) LIMITATION.—A housing allowance may not be used for housing that is owned or controlled by the employer. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies under this subparagraph shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protect Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance.

''(iv) OTHER REQUIREMENTS.—

''(I) NONMETROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(v) INFORMATION.—If the employer provides a housing allowance to H–2A employees, the employer shall provide a list of the names and local addresses of such workers to the Secretary of Agriculture and the Secretary of Homeland Security once per contract period.

''(4) REIMBURSEMENT OF TRANSPORTATION COSTS.—

''(A) REQUIREMENT FOR REIMBURSEMENT.—A worker who completes 50 percent of the period of employment of the job for which the worker was hired shall be reimbursed by the employer, beginning on the first day of such employment, for the cost of the worker's transportation and subsistence from—

''(i) the place from which the worker was approved to enter the United States to the location at which the work for the employer is performed; or

''(ii) if the worker traveled from a place in the United States at which the worker was last employed, from such place of last employment to the location at which the work for the employer is being performed.

''(B) TIMING OF REIMBURSEMENT.—Reimbursement to the worker of expenses for the cost of the worker's transportation and subsistence to the place of employment under subparagraph (A) shall be considered timely if such reimbursement is made not later than the worker's first regular payday after a worker completes 50 percent of the period of employment of the job opportunity as provided under this paragraph.

''(C) ADDITIONAL REIMBURSEMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the work site to the place where the worker was approved to enter the United States to work for the employer. If the worker has contracted with a subsequent employer, the previous and subsequent employer shall share the cost of the worker's transportation and subsistence from work site to work site.

''(D) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided to a worker under this paragraph shall be equal to the lesser of—

''(i) the actual cost to the worker of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation and subsistence costs for the distance involved.

''(E) REIMBURSEMENT FOR LAID OFF WORKERS.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (5)(D)) before the anticipated ending date of employment, the employer shall provide—

''(i) the transportation and subsistence required under subparagraph (C); and

''(ii) notwithstanding whether the worker has completed 50 percent of the period of employment, the transportation reimbursement required under subparagraph (A).

''(F) TRANSPORTATION.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker in accordance with applicable laws and regulations.

''(G) CONSTRUCTION.—Nothing in this paragraph may be construed to require an employer to reimburse visa, passport, consular, or international border-crossing fees incurred by the worker or any other fees associated with the worker's lawful admission into the United States to perform employment.

''(5) EMPLOYMENT GUARANTEE.—

''(A) IN GENERAL.—

''(i) REQUIREMENT.—Each employer applying for workers under subsection (b) shall guarantee to offer each such worker employment for the hourly equivalent of not less than 75 percent of the work hours during the total anticipated period of employment beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer.

''(ii) FAILURE TO MEET GUARANTEE.—If the employer affords the United States worker or the H–2A workers less employment than that required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned if the worker had worked for the guaranteed number of hours.

''(iii) PERIOD OF EMPLOYMENT.—In this subparagraph, the term 'period of employment' means the total number of anticipated work hours and work days described in the job offer and shall exclude the worker's Sabbath and Federal holidays.

''(B) CALCULATION OF HOURS.—Any hours which the worker fails to work, up to a maximum number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) LIMITATION.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 75 percent guarantee described in subparagraph (A).

''(D) TERMINATION OF EMPLOYMENT.—

''(i) IN GENERAL.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease, pest infestation, regulatory action, or any other reason beyond the control of the employer before the employment guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment.

''(ii) REQUIREMENTS.—If a worker's employment is terminated under clause (i), the employer shall—

''(I) fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed during the period beginning on the first work day after the arrival of the worker and ending on the date on which such employment is terminated; and

''(II) make efforts to transfer the United States worker to other comparable employment acceptable to the worker.

''(l) DISQUALIFICATION.—

''(1) GROUNDS OF INELIGIBILITY.—

''(A) IN GENERAL.—An alien is ineligible for an H–2A visa if the alien—

''(i) is inadmissible to the United States under section 212(a), except as provided under paragraph (2);

''(ii) is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

''(iii) is described in, or is subject to, section 241(a)(5);

''(iv) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; or

''(v) has a felony or misdemeanor conviction, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

''(B) APPLICABILITY TO GROUNDS OF INADMISSIBILITY.—Nothing in this subsection may be construed to limit the applicability of any ground of inadmissibility under section 212.

''(2) GROUNDS OF INADMISSIBILITY.—

''(A) IN GENERAL.—In determining an alien's admissibility—

''(i) paragraphs (5)(A), (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled), (6)(B), (6)(C), (6)(D), (6)(F), (6)(G), (7), (9)(B), and (9)(C)(i)(I) of section 212(a) shall not apply with respect to conduct occurring or arising before the date of the alien's application for an H–2A visa if associated with obtaining employment;

''(ii) the Secretary of Homeland Security may not waive—

''(I) paragraph (1) or (2) of sections 212(a) (relating to health and safety and criminals);

''(II) section 212(a)(3) (relating to security and related grounds);

''(III) section 212(a)(9)(C)(i)(II); or

''(IV) subparagraph (A), (C), or (D) of section 212(a)(10) (relating to polygamists, child abductors, and unlawful voters).

''(B) CONSTRUCTION.—Nothing in this paragraph may be construed as affecting the authority of the Secretary of Homeland Security, other than under this paragraph, to waive the provisions of section 212(a).

''(3) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted an H–2A visa if—

''(A) the alien has violated any material term or condition of such status granted previously, unless the alien has had such violation waived under paragraph (2)(A);

''(B) the alien is inadmissible as a nonimmigrant, except for those grounds previously waived under paragraph (2)(A); or

''(C) the granting of such status would allow the alien to exceed limitations on stay in the United States in H–2A status described in subsection (m).

''(4) PROMPT REMOVAL PROCEEDINGS.—The Secretary of Homeland Security shall promptly identify, investigate, detain, and initiate removal proceedings against every alien admitted into the United States on an H–2A visa who exceeds the alien's period of authorized admission or otherwise violates any terms of the alien's nonimmigrant status. In conducting such removal proceedings, the Secretary shall give priority to aliens who may pose a threat to the national security, and those convicted of criminal offenses.

''(5) NUMERICAL LIMITATIONS ON WAIVERS.—The Secretary of Homeland Security may waive any ground of inadmissibility, as authorized under this section, only once for each beneficiary of an application for an H–2A visa filed by an employer after the date of the enactment of the HARVEST Act of 2012. Such waiver authority for the Secretary shall expire 24 months after such date of enactment.

''(6) FINE.—Each alien applying for an H–2A visa under this section who would be inadmissible under section 212(a)(6), if such provision had not been made inapplicable under subsection (l)(2)(A)(i), shall be required to pay a fine in an amount equal to $500 before being granted such visa.

''(m) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—An H–2A worker approved to enter the United States may not remain in the United States for more than 10 months during any 12-month period, excluding—

''(A) a period of not more than 7 days before the beginning of the period of employment for the purpose of travel to the work site; and

''(B) a period of not more than 14 days after the period of employment for the purpose of departure to complete late work caused by weather or other unforeseen conditions.

''(2) EMPLOYMENT LIMITATION.—An H–2A worker may not be employed during the 14-day period described in paragraph (1)(B) except in the employment for which the alien was previously authorized.

''(3) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary of Homeland Security to extend the stay of an alien under any other provision of this Act.

''(n) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment, which was the basis for such admission or status—

''(A) has failed to maintain nonimmigrant status as an H–2A worker; and

''(B) shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—Not later than 36 hours after the premature abandonment of employment by an H–2A worker, the employer or association acting as an agent for the employer shall notify the Secretary of Homeland Security of such abandonment.

''(3) REMOVAL.—The Secretary of Homeland Security shall ensure the prompt removal from the United States of any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate the alien's employment if the alien promptly departs the United States upon termination of such employment.

''(o) REPLACEMENT OF WORKERS.—

''(1) IN GENERAL.—Upon receiving notification under subsection (n)(2) or being notified that a United States worker referred by the Department of Labor or a United States worker recruited by the employer during the recruitment period has prematurely abandoned employment or has failed to appear for employment—

''(A) the Secretary of State shall promptly issue a visa to an eligible alien designated by the employer to replace a worker who abandons or prematurely terminates employment; and

''(B) the Secretary of Homeland Security shall expeditiously admit such alien into the United States.

''(2) CONSTRUCTION.—Nothing in this subsection may be construed to limit any preference for which United States workers are eligible under this Act.

''(p) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall provide each alien authorized to be an H–2A worker with a single machine-readable, tamper-resistant, and counterfeit-resistant document that—

''(A) authorizes the alien's entry into the United States;

''(B) serves, for the appropriate period, as an employment eligibility document; and

''(C) verifies the identity of the alien through the use of at least 1 biometric identifier.

''(2) REQUIREMENTS.—The document required for all aliens authorized to be an H–2A worker—

''(A) shall be capable of reliably determining whether the individual with the document—

''(i) is eligible for employment as an H–2A worker;

''(ii) is not claiming the identity of another person; and

''(iii) is authorized to be admitted into the United States; and

''(B) shall be compatible with—

''(i) other databases of the Department of Homeland Security to prevent an alien from obtaining benefits for which the alien is not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) law enforcement databases to determine if the alien has been convicted of criminal offenses.

''SEC. 218A. ADMISSION OF CROSS-BORDER H–2A WORKERS.

''(a) DEFINITION.—In this section, the term 'cross-border H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a) who participates in the cross-border worker program established under this section.

''(b) INCORPORATION BY REFERENCE.—

''(1) IN GENERAL.—Except as specifically provided under paragraph (2), the provisions under section 218 shall apply to cross-border H–2A workers.

''(2) EXCEPTIONS.—Subsections (k)(3), (k)(4), and (m) of section 218 shall not apply to cross-border H–2A workers.

''(c) MANDATORY ENTRY AND EXIT.—A cross-border H–2A worker who complies with the provisions of this section—

''(1) may enter the United States each scheduled work day, in accordance with regulations promulgated by the Secretary of Homeland Security; and

''(2) shall exit the United States before the end of each day of such entrance.

''(d) RECRUITMENT.—Each employer that employs a cross-border H–2A worker under this section shall conduct a recruitment for each position occupied by such H–2A worker that complies with the requirements under section 218(b)(4) at least once every 10 months.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. Admission of temporary H–2A workers.

''Sec. 218A. Admission of cross-border H–2A workers.''.

(c) RULEMAKING.—

(1) ISSUANCE OF VISAS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to provide for uniform procedures for the issuance of H–2A visas by United States consulates and consular officials to nonimmigrants described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BORDER CROSSINGS.—The Secretary of State shall promulgate regulations to establish a process for cross-border H–2A workers authorized to work in the United States under section 218A of the Immigration and Nationality Act, as added by subsection (b), to ensure that such workers expeditiously enter and exit the United States during each work day.

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

SEC. 12304. LEGAL ASSISTANCE FROM THE LEGAL SERVICES CORPORATION.

Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) is amended—

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

''(b)(1) Upon application by a complainant and in such circumstances as the court determines just, the court may appoint an attorney for such complainant and may authorize the commencement of the action.

''(2) The Legal Services Corporation may not provide legal assistance for, or on behalf of, any alien, and may not provide financial assistance to any person or entity that provides legal assistance for, or on behalf of, any alien, unless the alien—

''(A) is described in subsection (a); and

''(B) is present in the United States at the time the legal assistance is provided.

''(3)(A) No party may bring a civil action for damages or another complaint on behalf of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) (referred to in this subsection as an 'H–2A worker') unless—

''(i) the party makes a request to the Federal Mediation and Conciliation Service or an equivalent State program (as defined by the Secretary of Labor) not later than 90 days before bringing the action to assist the parties in reaching a satisfactory resolution of all issues involving parties to the dispute;

''(ii) the party provides written notification of the alleged violation to the agricultural employer, agricultural association, or farm labor contractor; and

''(iii) the parties to the dispute have attempted, in good faith, mediation or other non-binding dispute resolution of all issues involving all such parties.

''(B) If the mediator finds that an agricultural employer, agricultural association, or farm labor contractor has corrected a violation of this Act or a regulation under this Act not later than 14 days after the date on which such agricultural employer, agricultural association, or farm labor contractor received written notification of such violation, no action may be brought under this section with respect to such violation.

''(C) Any settlement reached through the mediation process described in subparagraph (A) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding.

''(D) If no settlement is reached through the mediation process described in subparagraph (A), any offer of settlement or attempts to remedy alleged grievances shall be admissible as evidence.

''(4) An employer of an H–2A worker shall not be required to waive any requirements of any food safety programs, such as sign in requirements, for any recipient of grants or contracts under section 1007 of the Legal Services Corporation Act (42 U.S.C. 1996f), or any employee of such recipient.

''(5) The employer of an H–2A worker shall post the contact information of the Legal Services Corporation in the dwelling and at the work site of each nonimmigrant employee in a language in which all employees can understand.

''(6) There are authorized to be appropriated to the Federal Mediation and Conciliation Service for each fiscal year such sums as may be necessary to carry out the mediation process described in this subsection.''; and

(2) by adding at the end the following:

''(g)(1) If a defendant prevails in an action under this section in which the plaintiff is represented by an attorney who is employed by the Legal Services Corporation or any entity receiving funds from the Legal Services Corporation, such entity or the Legal Services Corporation shall award to the prevailing defendant fees and other expenses incurred by the defendant in connection with the action.

''(2) In this subsection, the term 'fees and other expenses' has the meaning given the term in section 514(b)(1)(A) of title 5, United States Code.

''(3) The court shall take whatever steps necessary, including the imposition of sanctions, to ensure compliance with this subsection.''.

SEC. 12305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Homeland Security and the Department of State such sums as may be necessary to adjudicate H–2A applications.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator RON WYDEN, intend to object to proceeding to S. 3276, a bill to extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes, dated June 11, 2012.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on June 14, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''New Tax Burdens on Tribal Self-Determination.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Lilia McFarland, a member of my staff, be granted the privilege of the floor for the remainder of the 112th Congress.

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

MEASURES READ THE FIRST TIME—H.R. 436

Mr. MENENDEZ. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

Mr. MENENDEZ. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be