

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

(no.) _____

To provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 In title I, on page 30, line 11, strike “2012” and in-
2 sert “2009”.

3 In title I, on page 37, strike lines 1 through 5 and
4 insert the following:

5 (d) CORN AND GRAIN SORGHUM.—The Secretary
6 shall—

7 (1) establish a single county loan rate for corn
8 and grain sorghum in each county;

9 (2) establish a single national average loan rate
10 for corn and grain sorghum; and

1 (3) determine each county loan rate and the na-
2 tional average loan rate for corn and grain sorghum,
3 and any and all other program loan rates applicable
4 to corn and grain sorghum, from a data set that in-
5 cludes prices for both corn and grain sorghum.

6 In title I, page 66, strike lines 5 through 10 and in-
7 sert the following:

8 (e) CORN AND GRAIN SORGHUM.—In the case of corn
9 and grain sorghum, the Secretary—

10 (1) shall administer the applicable loan, mar-
11 keting loan, and related programs using a single
12 loan rate for corn and grain sorghum that is iden-
13 tical in each individual county;

14 (2) shall provide that any adjustment in the
15 corn and grain sorghum loan rate for location shall
16 be determined and applied on the basis of the com-
17 bined corn and grain sorghum data set in a manner
18 that any transportation adjustment shall be the
19 same for corn and grain sorghum in each individual
20 county; and

21 (3) may provide for adjustments for grade,
22 type, and quality, as appropriate, for the corn or
23 grain sorghum involved in each specific transaction.

1 In title I, page 107, between lines 18 and 19, insert
2 the following:

3 (e) PRODUCTION OF FRUITS OR VEGETABLES FOR
4 PROCESSING.—

5 (1) IN GENERAL.—Subject to paragraphs (2)
6 through (4), effective beginning with the 2010 crop
7 years, producers on a farm that elect to receive aver-
8 age crop revenue payments, with the consent of the
9 owner of and any other producers on the farm, may
10 reduce the base acres for a covered commodity for
11 the farm if the reduced acres are used for the plant-
12 ing and production of fruits or vegetables for proc-
13 essing.

14 (2) REVERSION TO BASE ACRES FOR COVERED
15 COMMODITY.—Any reduced acres on a farm devoted
16 to the planting and production of fruits or vegeta-
17 bles during a crop year under paragraph (1) shall be
18 included in base acres for the covered commodity for
19 the subsequent crop year, unless the producers on
20 the farm make the election described in paragraph
21 (1) for the subsequent crop year.

22 (3) RECALCULATION OF BASE ACRES.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), if the Secretary recalculates base
25 acres for a farm, the planting and production of

1 fruits or vegetables for processing under para-
2 graph (1) shall be considered to be the same as
3 the planting, prevented planting, or production
4 of a covered commodity.

5 (B) AUTHORITY.—Nothing in this sub-
6 section provides authority for the Secretary to
7 recalculate base acres for a farm covered by
8 this subsection other than as provided in this
9 subsection.

10 (4) LIMITATIONS.—

11 (A) IN GENERAL.—This subsection applies
12 in land located in each of the States of Illinois,
13 Indiana, Iowa, Michigan, Minnesota, Ohio, and
14 Wisconsin.

15 (B) ACREAGE LIMIT.—The total number of
16 base acres that may be reduced in any State
17 under this subsection shall not exceed 10,000.

18 In title I, on page 160, line 15, strike “; and” and
19 insert a semicolon.

20 In title I, on page 160, line 21, strike the period and
21 insert “; and”.

1 In title I, on page 160, between lines 21 and 22, in-
2 sert the following:

3 (10) evaluating a change in advance pricing
4 that calculates the advance price of Class II skim
5 milk under Federal milk marketing orders using the
6 4-week component prices that are used to calculate
7 prices for Class III and Class IV milk.

8 In title I, on page 193, line 1, strike “paragraph (2)”
9 and insert “paragraph (2)(A)”.

10 In title I, on page 193, lines 12 and 13, strike “para-
11 graph (2)” and insert “paragraph (2)(A)”.

12 In title I, on page 193, between lines 20 and 21, in-
13 sert the following:

14 “(C) CONSERVATION PROGRAMS.—Not-
15 withstanding any other provision of law, an in-
16 dividual or entity shall not be eligible to receive
17 any benefit described in paragraph (2)(B) dur-
18 ing a crop year if the average adjusted gross in-
19 come of the individual or entity exceeds
20 \$2,500,000, unless not less than 66.66 percent
21 of the average adjusted gross income of the in-
22 dividual or entity is derived from farming,

1 ranching, or forestry operations, as determined
2 by the Secretary.

3 In title I, beginning on page 193, strike line 21 and
4 all that follows through page 194, line 14, and insert the
5 following:

6 “(2) COVERED BENEFITS.—

7 “(A) IN GENERAL.—Subparagraphs (A)
8 and (B) of paragraph (1) applies with respect
9 to the following:

10 “(i) A direct payment or counter-cycli-
11 cal payment under part I or III of subtitle
12 A of title I of the Food and Energy Secu-
13 rity Act of 2007.

14 “(ii) A marketing loan gain or loan
15 deficiency payment under part II or III of
16 subtitle A of title I of the Food and En-
17 ergy Security Act of 2007.

18 “(iii) A payment under any program
19 under—

20 “(I) title XII of this Act;

21 “(II) title II of the Farm Secu-
22 rity and Rural Investment Act of
23 2002 (Public Law 107–171; 116 Stat.
24 223); or

1 “(III) title II of the Food and
2 Energy Security Act of 2007.

3 “(B) CONSERVATION PROGRAMS.—Para-
4 graph (1)(C) applies with respect to a payment
5 under any program under—

6 “(i) title XII of this Act;

7 “(ii) title II of the Farm Security and
8 Rural Investment Act of 2002 (Public Law
9 107–171; 116 Stat. 223); or

10 “(iii) title II of the Food and Energy
11 Security Act of 2007.

12 In title I, on page 213, line 7, insert “aquaculture,”
13 after “floriculture,”.

14 In title I, on page 225, lines 18 and 19, insert “and
15 the United States Trade Representative” after “the Sec-
16 retary”.

17 In title I, on page 229, strike line 2 and insert the
18 following:
19 inserting “aquaculture, horticulture,” before “and nurs-
20 ery”.

1 In title I, on page 261, strike lines 14 through 18
2 and insert the following:

3 “(A) DEFINITION OF AQUACULTURE.—In
4 this subsection:

5 “(i) IN GENERAL.—The term ‘aqua-
6 culture’ means the propagation and
7 rearing of aquatic species in controlled or
8 selected environments, including shellfish
9 cultivation on grants or leased bottom and
10 ocean ranching.

11 “(ii) EXCLUSION.—The term ‘aqua-
12 culture’ does not include the private ocean
13 ranching of Pacific salmon for profit in
14 any State in which private ocean ranching
15 of Pacific salmon is prohibited by any law
16 (including regulations).

17 In title I, on page 274, after line 23, add the fol-
18 lowing:

19 **SEC. 1920. RISK MANAGEMENT EDUCATION FOR BEGIN-**
20 **NING FARMERS OR RANCHERS.**

21 Section 524(a) of the Federal Crop Insurance Act (7
22 U.S.C. 1524(a)) is amended—

23 (1) by redesignating paragraph (4) as para-
24 graph (5); and

1 (2) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) REQUIREMENTS.—In carrying out the pro-
4 grams established under paragraphs (2) and (3), the
5 Secretary shall place special emphasis on risk man-
6 agement strategies, education, and outreach specifi-
7 cally targeted at—

8 “(A) beginning farmers or ranchers;

9 “(B) immigrant farmers or ranchers that
10 are attempting to become established producers
11 in the United States;

12 “(C) socially disadvantaged farmers or
13 ranchers;

14 “(D) farmers or ranchers that—

15 “(i) are preparing to retire; and

16 “(ii) are using transition strategies to
17 help new farmers or ranchers get started;
18 and

19 “(E) new or established farmers or ranch-
20 ers that are converting production and mar-
21 keting systems to pursue new markets.”.

22 **SEC. 1921. AGRICULTURAL MANAGEMENT ASSISTANCE.**

23 Section 524(b)(4) of the Federal Crop Insurance Act
24 (7 U.S.C. 1524(b)(4)) is amended by adding at end the
25 following:

1 “(C) COST-SHARING.—The Secretary may
2 provide matching funds to any State described
3 in paragraph (1) that appropriates a portion of
4 the budget of the State to provide financial as-
5 sistance on producer-paid premiums for crop in-
6 surance policies overseen by the Corporation.”.

7 In title I, on page 275, line 1, strike “**1920**” and in-
8 sert “**1922**”.

9 In title I, on page 276, line 1, strike “**1921**” and in-
10 sert “**1923**”.

11 In title I, on page 276, line 17, strike “**1922**” and
12 insert “**1924**”.

13 In title I, on page 277, line 3, strike “**1923**” and in-
14 sert “**1925**”.

15 In title I, on page 278, line 3, strike “**1924**” and in-
16 sert “**1926**”.

17 In title II, on page 12, strike lines 18 through 25
18 and insert the following:

1 “(D) EXCEPTIONS.—The Secretary may
2 exceed the limitation in subparagraph (A) if the
3 Secretary determines that—

4 “(i)(I) the action would not adversely
5 affect the local economy of a county; and

6 “(II) operators in the county are hav-
7 ing difficulties complying with conservation
8 plans implemented under section 1212; or

9 “(ii)(I) the acreage to be enrolled
10 could not be used for an agricultural pur-
11 pose as a result of a State or local law,
12 order, or regulation prohibiting water use
13 for agricultural production; and

14 “(II) enrollment in the program would
15 benefit the acreage enrolled or land adja-
16 cent to the acreage enrolled.

17 In title II, on page 13, between lines 6 and 7 insert
18 the following:

19 “(F) ENROLLMENT.—Not later than 90
20 days after the date of a request from a land-
21 owner to enroll acreage described in subpara-
22 graph (D)(ii) in the program, the Secretary
23 shall enroll the acreage.

1 In title II, on page 135, strike lines 10 through 14
2 and insert the following:

3 **SEC. 2394. GRASSROOTS SOURCE WATER PROTECTION**
4 **PROGRAM.**

5 Section 12400 of the Food Security Act of 1985 (16
6 U.S.C. 3839bb–2) is amended by striking subsection (b)
7 and inserting the following:

8 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to carry out this section
10 \$20,000,000 for each of fiscal years 2008 through 2012.”.

11 In title II, on page 151, strike lines 1 through 9 and
12 insert the following:

13 “(1) ASSISTANCE TO ELIGIBLE FARMERS OR
14 RANCHERS.—

15 “(A) DEFINITION OF ELIGIBLE FARMER
16 OR RANCHER.—In this paragraph, the term ‘eli-
17 gible farmer or rancher’ means a farmer or
18 rancher that, as determined by the Secretary—

19 “(i) derives or expects to derive more
20 than 50 percent of the annual income of
21 the farmer or rancher from agriculture
22 (not including payments under the con-
23 servation reserve program established

1 under subchapter B of chapter 1 of sub-
2 title D); and

3 “(ii) is—

4 “(I) a beginning farmer or ranch-
5 er (as defined in section 343 of the
6 Consolidated Farm and Rural Devel-
7 opment Act (7 U.S.C. 1991)), except
8 that in determining whether the farm-
9 er or rancher qualifies as a beginning
10 farmer or rancher, the Secretary
11 may—

12 “(aa) employ a fair and rea-
13 sonable test of net worth; and

14 “(bb) use such other criteria
15 as the Secretary determines to be
16 appropriate; or

17 “(II) a socially disadvantaged
18 farmer or rancher (as defined in sec-
19 tion 355(e) of the Consolidated Farm
20 and Rural Development Act (7 U.S.C.
21 2003(e)).

22 “(B) ASSISTANCE.—In the case of each
23 program described in subsection (a), except as
24 provided in paragraph (2), for each fiscal year
25 in which funding is made available for the pro-

1 gram, 10 percent of the funds available for the
2 fiscal year shall be used by the Secretary to as-
3 sist eligible farmers or ranchers.

4 In title II, on page 151, lines 14 and 15, strike “sub-
5 paragraphs (A) and (B) of paragraph (1)” and insert
6 “paragraph (1)(A)”.

7 In title II, on page 202, line 3, strike the closing
8 quotation marks and the following period.

9 In title II, on page 202, between lines 3 and 4 insert
10 the following:

11 “(3) DE MINIMIS ACREAGE.—

12 “(A) EXEMPTION.—The Secretary shall
13 exempt from the limitation under paragraph (2)
14 any native sod acreage described in that para-
15 graph with an area of not more than 5 acres.

16 “(B) WAIVER.—The Secretary may pro-
17 vide a waiver from the limitation under para-
18 graph (2), on a case-by-case basis, for any na-
19 tive sod acreage described in that paragraph
20 with an area of more than 5 acres but not more
21 than 20 acres.”.

1 In title II, on page 202, line 23, strike the closing
2 quotation marks and the following period.

3 In title II, on page 202, between lines 23 and 24 in-
4 sert the following:

5 “(C) DE MINIMIS ACREAGE.—

6 “(i) EXEMPTION.—The Secretary
7 shall exempt from the limitation under
8 subparagraph (B) any native sod acreage
9 described in that subparagraph with an
10 area of not more than 5 acres.

11 “(ii) WAIVER.—The Secretary may
12 provide a waiver from the limitation under
13 subparagraph (B), on a case-by-case basis,
14 for any native sod acreage described in
15 that subparagraph with an area of more
16 than 5 acres but not more than 20 acres.”.

17 In title II, at the end of subtitle G, add the following:

18 **SEC. 2612. GREAT LAKES COMMISSION.**

19 (a) IN GENERAL.—The Secretary, in consultation
20 with the Great Lakes Commission created by article IV
21 of the Great Lakes Basin Compact (Public Law 90–419;
22 82 Stat. 415), and in cooperation with the Administrator
23 of the Environmental Protection Agency and the Secretary

1 of the Army, may carry out the Great Lakes basin pro-
2 gram for soil erosion and sediment control (referred to in
3 this section as the “program”) to assist in implementing
4 the recommendations of the Great Lakes Regional Col-
5 laboration Strategy to Restore and Protect the Great
6 Lakes.

7 (b) ASSISTANCE.—In carrying out the program, the
8 Secretary may—

9 (1) provide project demonstration grants, pro-
10 vide technical assistance, and carry out information
11 and education programs to improve water quality in
12 the Great Lakes basin by reducing soil erosion and
13 improving sediment control; and

14 (2) provide a priority for projects and activities
15 that—

16 (A) directly reduce soil erosion or improve
17 sediment control;

18 (B) reduce soil loss in degraded rural wa-
19 tersheds; or

20 (C) improve hydrologic conditions in urban
21 watersheds.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$5,000,000 for each of fiscal years 2007 through 2012.

1 **SEC. 2613. TECHNICAL CORRECTIONS TO THE FEDERAL IN-**
2 **SECTICIDE, FUNGICIDE, AND RODENTICIDE**
3 **ACT.**

4 (a) PESTICIDE REGISTRATION SERVICE FEES.—Sec-
5 tion 33 of the Federal Insecticide, Fungicide, and
6 Rodenticide Act (7 U.S.C. 136w–8) is amended—

7 (1) in subsection (b)(7)—

8 (A) in subparagraph (D)—

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

11 “(i) IN GENERAL.—The Administrator
12 may exempt from, or waive a portion of,
13 the registration service fee for an applica-
14 tion for minor uses for a pesticide.”; and

15 (ii) in clause (ii), by inserting “or ex-
16 emption” after “waiver”; and

17 (B) in subparagraph (E)—

18 (i) in the paragraph heading, by strik-
19 ing “WAIVER” and inserting “EXEMP-
20 TION”;

21 (ii) by striking “waive the registration
22 service fee for an application” and insert-
23 ing “exempt an application from the reg-
24 istration service fee”; and

25 (iii) in clause (ii), by striking “waiv-
26 er” and inserting “exemption”; and

1 (2) in subsection (m)(2), by striking “2008”
2 each place it appears and inserting “2012”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) take effect on October 1, 2007.

5 In title IV, on page 94, line 6, strike the closing
6 quotation marks and the following period.

7 In title IV, on page 94, between lines 6 and 7 insert
8 the following:

9 “(6) TRADITIONAL FOOD FUND.—

10 “(A) IN GENERAL.—Subject to the avail-
11 ability of appropriations, the Secretary shall es-
12 tablish a fund for use in purchasing traditional
13 foods for recipients of food distributed under
14 this subsection.

15 “(B) SURVEY.—In carrying out this para-
16 graph, the Secretary shall—

17 “(i) survey participants of the food
18 distribution program on Indian reserva-
19 tions established under section 4(b) of the
20 Food Stamp Act of 1977 (7 U.S.C.
21 2013(b)) to determine which traditional
22 foods are most desired by those partici-
23 pants; and

1 “(ii) purchase or offer to purchase
2 those traditional foods that may be pro-
3 cured cost-effectively.

4 “(C) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There is authorized to be appropriated
6 to the Secretary to carry out this paragraph
7 \$5,000,000 for each of fiscal years 2008
8 through 2012.”.

9 In title IV, on page 110, between lines 21 and 22
10 insert the following:

11 **SEC. 4904. BUY AMERICAN REQUIREMENTS.**

12 (a) FINDINGS.—Congress finds that—

13 (1) Federal law requires that commodities and
14 products purchased with Federal funds be, to the
15 maximum extent practicable, of domestic origin;

16 (2) Federal Buy American statutory require-
17 ments seek to ensure that purchases made with Fed-
18 eral funds benefit domestic producers; and

19 (3) the Richard B. Russell National School
20 Lunch Act (42 U.S.C. 1751 et seq.) requires the use
21 of domestic food products for all meals served under
22 the school lunch program, including food products
23 purchased with local funds.

1 (b) BUY AMERICAN STATUTORY REQUIREMENTS.—
2 It is the sense of Congress that the Secretary should un-
3 dertake training, guidance, and enforcement of the various
4 Buy American statutory requirements and regulations in
5 effect on the date of enactment of this Act, including re-
6 quirements of—

7 (1) the Richard B. Russell National School
8 Lunch Act (42 U.S.C. 1751 et seq.); and

9 (2) the Department of Defense fresh fruit and
10 vegetable distribution program.

11 **SEC. 4905. MINIMUM PURCHASES OF FRUITS, VEGETABLES,**
12 **AND NUTS THROUGH SECTION 32 TO SUP-**
13 **PORT DOMESTIC NUTRITION ASSISTANCE**
14 **PROGRAMS.**

15 (a) MINIMUM FUNDING FOR PURCHASES OF FRUITS,
16 VEGETABLES, AND NUTS.—In lieu of the purchases of
17 fruits, vegetables, and nuts required by section 10603 of
18 the Farm Security and Rural Investment Act of 2002 (7
19 U.S.C. 612c–4), the Secretary shall purchase fruits, vege-
20 tables, and nuts for the purpose of providing nutritious
21 foods for use in domestic nutrition assistance programs,
22 using, of the funds made available under section 32 of the
23 Act of August 24, 1935 (7 U.S.C. 612c), the following
24 amounts:

25 (1) \$390,000,000 for fiscal year 2008.

1 (2) \$393,000,000 for fiscal year 2009.

2 (3) \$399,000,000 for fiscal year 2010.

3 (4) \$403,000,000 for fiscal year 2011.

4 (5) \$406,000,000 for fiscal year 2012 and each
5 fiscal year thereafter.

6 (b) FORM OF PURCHASES.—Fruits, vegetables, and
7 nuts may be purchased under this section in frozen,
8 canned, dried, or fresh form.

9 (c) VALUE-ADDED PRODUCTS.—The Secretary may
10 offer value-added products containing fruits, vegetables, or
11 nuts under this section, taking into consideration—

12 (1) whether demand exists for the value-added
13 product; and

14 (2) the interests of entities that receive fruits,
15 vegetables, and nuts under this section.

16 In title IV, on page 110, line 22, strike “**4904**” and
17 insert “**4906**”.

18 In title IV, on page 128, line 12, strike “**4905**” and
19 insert “**4907**”.

20 In title IV, on page 129, line 4, strike “**4906**” and
21 insert “**4909**”.

1 In title V, on page 24, line 17, strike “\$5,000,000”
2 and insert “\$10,000,000”.

3 In title V, add at the end of subtitle D the following:

4 **SEC. 5208. EQUALIZATION OF LOAN-MAKING POWERS OF**
5 **CERTAIN DISTRICT ASSOCIATIONS.**

6 (a) IN GENERAL.—The Farm Credit Act of 1971 is
7 amended by inserting after section 7.6 (12 U.S.C. 2279b)
8 the following:

9 **“SEC. 7.7. EQUALIZATION OF LOAN-MAKING POWERS OF**
10 **CERTAIN DISTRICT ASSOCIATIONS.**

11 **“(a) EQUALIZATION OF LOAN-MAKING POWERS.—**

12 **“(1) IN GENERAL.—**

13 **“(A) FEDERAL LAND BANK OR CREDIT AS-**
14 **SOCIATION.—**Subject to paragraph (2), any as-
15 sociation authorized as of January 1, 2007, to
16 make long-term loans and otherwise operate as
17 a Federal land bank association or Federal land
18 credit association under title I in the geographic
19 area described in subsection (b) may make
20 short- and intermediate-term loans and other-
21 wise operate as a production credit association
22 under title II in the geographic area.

23 **“(B) PRODUCTION CREDIT ASSOCIA-**
24 **TIONS.—**Subject to paragraph (2), any associa-

1 tion authorized as of January 1, 2007, to make
2 short- and intermediate-term loans and other-
3 wise operate as a production credit association
4 under title II in the geographic area described
5 in subsection (b) may make long-term loans and
6 otherwise operate as a Federal land bank asso-
7 ciation or Federal land credit association under
8 title I in the geographic area.

9 “(C) FARM CREDIT BANK.—The Farm
10 Credit Bank with which any association de-
11 scribed in subparagraph (A) or (B) had a writ-
12 ten financing agreement as of January 1, 2007,
13 may make loans and extend other similar finan-
14 cial assistance to the association with respect
15 to, and purchase from the association, any
16 loans made by the association under the author-
17 ity provided the association under this para-
18 graph.

19 “(2) REQUIRED APPROVALS.—An association
20 may exercise the additional authority provided for in
21 paragraph (1) only after the exercise of the author-
22 ity is approved by—

23 “(A) the board of directors of the associa-
24 tion; and

1 “(B) a majority of the voting stockholders
2 of the association voting, in person or by proxy,
3 at a duly authorized meeting of stockholders.

4 “(b) APPLICABILITY.—This section applies only to
5 associations the chartered territory of which is in the geo-
6 graphic area served by the Federal intermediate credit
7 bank that merged with a Farm Credit Bank under section
8 410(e)(1) of the Agricultural Credit Act of 1987 (12
9 U.S.C. 2011 note; Public Law 100–233).”.

10 (b) CHARTER AMENDMENTS.—Section 5.17(a) of the
11 Farm Credit Act of 1971 (12 U.S.C. 2252(a)) is amended
12 by adding at the end the following:

13 “(15)(A) Approve amendments to the charters
14 of institutions of the Farm Credit System to imple-
15 ment the equalization of loan-making powers of a
16 Farm Credit System association under section 7.7.

17 “(B) Amendments described in subparagraph
18 (A) to the charters of an association and the related
19 Farm Credit Bank shall be approved by the Farm
20 Credit Administration on the date on which the
21 Farm Credit Administration receives all approvals
22 required by section 7.7(a)(2).”.

23 (c) CONFORMING AMENDMENTS.—

24 (1) Section 5.17(a)(2) of the Farm Credit Act
25 of 1971 (12 U.S.C. 2252(a)(2)) is amended—

1 (A) by striking “(2)(A)” and inserting
2 “(2)”; and

3 (B) by striking subparagraphs (B) and
4 (C).

5 (2) Section 410(e)(1)(A)(iii) of the Agricultural
6 Credit Act of 1987 (12 U.S.C. 2011 note; Public
7 Law 100–233) is amended by inserting “(other than
8 section 7.7 of that Act)” after “(12 U.S.C. 2001 et
9 seq.)”.

10 (3) Section 401(b) of the Farm Credit Banks
11 and Associations Safety and Soundness Act of 1992
12 (12 U.S.C. 2011 note; Public Law 102–552) is
13 amended—

14 (A) by inserting “(other than section 7.7
15 of the Farm Credit Act of 1971)” after “provi-
16 sion of law”; and

17 (B) by striking “, subject to such limita-
18 tions” and all that follows through the end of
19 the paragraph and inserting a period.

20 In title V, add at the end of subtitle E the following:

21 **SEC. 5404. ELIGIBILITY OF EQUINE FARMERS AND RANCH-**
22 **ERS FOR EMERGENCY LOANS.**

23 Section 321(a) of the Consolidated Farm and Rural
24 Development Act (7 U.S.C. 1961(a)) is amended—

1 (1) in paragraph (1), by striking “farmers,
2 ranchers” and inserting “farmers or ranchers (in-
3 cluding equine farmers or ranchers)”; and

4 (2) in paragraph (2)(A), by striking “farming,
5 ranching,” and inserting “farming or ranching (in-
6 cluding equine farming or ranching)”.

7 In title VI, add at the end of subtitle E, the following:

8 **SEC. 6403. INSURANCE OF LOANS FOR HOUSING AND RE-**
9 **LATED FACILITIES FOR DOMESTIC FARM**
10 **LABOR.**

11 Section 514(f)(3) of the Housing Act of 1949 (42
12 U.S.C. 1484(f)(3)) is amended by striking “or the han-
13 dling of such commodities in the unprocessed stage” and
14 inserting “, the handling of agricultural or aquacultural
15 commodities in the unprocessed stage, or the processing
16 of agricultural or aquacultural commodities”.

17 In title VII, on page 103, strike lines 12 through 14
18 and insert the following:

19 (d) **FUNDING.**—Section 7405 of the Farm Security
20 and Rural Investment Act of 2002 (7 U.S.C. 3319f) is
21 amended by striking subsection (h) and inserting the fol-
22 lowing:

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$30,000,000 for each of fiscal years 2002 through 2012.”.

4 In title IX, on page 21, line 19, strike “BIOENERGY
5 AND” and insert “BIOFUEL, BIOENERGY, AND”.

6 In title IX, on page 22, line 1, strike “bioenergy (ex-
7 cluding biodiesel) and other” and insert “biofuel, bio-
8 energy (excluding biodiesel), and other”.

9 In title IX, on page 22, lines 5 and 6, strike “bio-
10 energy and other” and insert “biofuel, bioenergy, and
11 other”.

12 In title IX, on page 38, line 17, strike “and” at the
13 end.

14 In title IX, page 38, line 23, strike the period at the
15 end and insert “; and”.

16 In title IX, page 38, after line 23 add the following:
17 “(C) demonstration that the applicant pro-
18 vided opportunities to local investors (as deter-

1 mined by the Secretary) to participate in the fi-
2 nancing or ownership of the biorefinery.

3 In title IX, on page 82, line 19, strike “for adminis-
4 tration”.

5 In title IX, on page 111, line 12, strike the closing
6 quotation marks and the following period.

7 In title IX, on page 111, between lines 12 and 13
8 insert the following:

9 **“SEC. 9020. E-85 FUEL PROGRAM.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) E-85 FUEL.—The term ‘E-85 fuel’ means
12 a blend of gasoline at least 85 percent (or any other
13 percentage, but not less than 70 percent, as deter-
14 mined by the Secretary, by rule, to provide for re-
15 quirements relating to cold start, safety, or vehicle
16 functions) of the content of which is derived from
17 ethanol.

18 “(2) ELIGIBLE FACILITY.—The term ‘eligible
19 facility’ means an ethanol production facility, the
20 majority ownership of which is comprised of agricul-
21 tural producers.

1 “(b) PROGRAM.—The Secretary shall make grants
2 under this section to eligible facilities—

3 “(1) to install E-85 fuel infrastructure, includ-
4 ing infrastructure necessary—

5 “(A) for the direct retail sale of E-85 fuel,
6 including E-85 fuel pumps and storage tanks;
7 and

8 “(B) to directly market E-85 fuel to gas
9 retailers, including in-line blending equipment,
10 pumps, storage tanks, and load-out equipment;
11 and

12 “(2) to provide subgrants to direct retailers of
13 E-85 fuel that are located in a rural area (as defined
14 in section 343(a) of the Consolidated Farm and
15 Rural Development Act (7 U.S.C. 1991(a))) for the
16 purpose of installing E-85 fuel infrastructure for the
17 direct retail sale of E-85 fuel, including E-85 fuel
18 pumps and storage tanks.

19 “(c) COST SHARING.—

20 “(1) GRANTS.—The amount of a grant under
21 this section shall be equal to 20 percent of the total
22 costs of the installation of the E-85 fuel infrastruc-
23 ture, as determined by the Secretary.

24 “(2) RELATIONSHIP TO OTHER FEDERAL
25 FUNDING.—The amount of a grant that an eligible

1 facility receives under this section shall be reduced
2 by the amount of other Federal funding that the eli-
3 gible facility receives for the same purpose, as deter-
4 mined by the Secretary.

5 “(3) LIMITATION.—Not more than 70 percent
6 of the total costs of E-85 fuel infrastructure pro-
7 vided assistance under this section shall be provided
8 by the Federal Government and State and local gov-
9 ernments.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—Subject
11 to the availability of appropriations, there is authorized
12 to be appropriated to carry out this section \$20,000,000
13 for the period of fiscal years 2008 through 2012, to re-
14 main available until expended.

15 **“SEC. 9021. RESEARCH AND DEVELOPMENT OF RENEWABLE**
16 **ENERGY.**

17 “(a) IN GENERAL.—The Secretary, in conjunction
18 with the Colorado Renewable Energy Collaboratory, shall
19 carry out a research and development program relating
20 to renewable energy—

21 “(1) to conduct research on and develop high-
22 quality energy crops that—

23 “(A) have high energy production values;

24 “(B) are cost efficient for producers and
25 refiners;

1 “(C) are well suited to high yields with
2 minimal inputs in arid and semiarid regions;
3 and

4 “(D) are regionally appropriate;

5 “(2) to conduct research on and develop bio-
6 refining and biofuels through multidisciplinary re-
7 search, including research relating to—

8 “(A) biochemical engineering;

9 “(B) process engineering;

10 “(C) thermochemical engineering;

11 “(D) product engineering; and

12 “(E) systems engineering;

13 “(3) to develop cost-effective methods for the
14 harvesting, handling, transport, and storage of cel-
15 lulosic biomass feedstocks;

16 “(4) to conduct research on and develop fer-
17 tilizers from biobased sources other than hydro-
18 carbon fuels;

19 “(5) to develop energy- and water-efficient irri-
20 gation systems;

21 “(6) to research and develop water-efficient
22 biofuel production technologies;

23 “(7) to research and develop additional
24 biobased products;

1 “(8) in cooperation with the Department of En-
2 ergy and the Department of Defense, to develop
3 storage and conversion technologies for wind- and
4 solar-generated power for small-scale and utility-
5 scale generation facilities; and

6 “(9) in cooperation with the Department of En-
7 ergy, to research fuel cell technologies for use in
8 farm, ranch, and rural applications.

9 “(b) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—There is authorized to be
11 appropriated to carry out this section \$5,000,000 for
12 each of fiscal years 2008 through 2012, to remain
13 available until expended.

14 “(2) ADDITIONAL FUNDS.—In addition to funds
15 made available under paragraph (1), there are au-
16 thorized to be appropriated—

17 “(A) \$110,000,000 to the Under Secretary
18 for Research, Education, and Economics, acting
19 through the Agricultural Research Service, for
20 cellulosic biofuel research for each of fiscal
21 years 2008 through 2012; and

22 “(B) \$110,000,000 to the Secretary and
23 the Secretary of Energy for the development of
24 smaller-scale biorefineries and biofuel plants for
25 each of fiscal years 2008 through 2012.

1 **“SEC. 9022. NORTHEAST DAIRY NUTRIENT MANAGEMENT**
2 **AND ENERGY DEVELOPMENT PROGRAM.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) CONSORTIUM.—The term ‘consortium’
5 means a collaboration of land-grant colleges or uni-
6 versities in the Northeast region that have programs
7 devoted to dairy manure nutrient management and
8 energy conversion from dairy manure.

9 “(2) LAND-GRANT COLLEGES AND UNIVER-
10 SITIES.—The term ‘land-grant colleges and univer-
11 sities’ has the meaning given the term in section
12 1404 of the National Agricultural Research, Exten-
13 sion, and Teaching Policy Act of 1977 (7 U.S.C.
14 3103)).

15 “(3) NORTHEAST REGION.—The term ‘North-
16 east region’ means the States of Connecticut, Dela-
17 ware, Massachusetts, Maryland, Maine, New Hamp-
18 shire, New Jersey, New York, Pennsylvania, Rhode
19 Island, Vermont, and West Virginia.

20 “(4) PROGRAM.—The term ‘program’ means
21 the dairy nutrient management and energy develop-
22 ment program established under subsection (b).

23 “(b) ESTABLISHMENT.—The Secretary shall estab-
24 lish a dairy nutrient management and energy development
25 program under which the Secretary shall provide funds to
26 the consortium to carry out multistate, integrated re-

1 search, extension, and demonstration projects for nutrient
2 management and energy development in the Northeast Re-
3 gion.

4 “(c) STEERING COMMITTEE.—

5 “(1) IN GENERAL.—The consortium shall estab-
6 lish a steering committee to administer the program.

7 “(2) CHAIRPERSON.—For each calendar year,
8 or for such other period as the consortium deter-
9 mines to be appropriate, the consortium shall select
10 a chairperson of the steering committee in a manner
11 that ensures that each member of the consortium is
12 represented by a chairperson on a rotating basis.

13 “(3) BOARD.—

14 “(A) IN GENERAL.—The steering com-
15 mittee shall establish a board of directors to as-
16 sist in the administration of the program.

17 “(B) COMPOSITION.—The board shall con-
18 sist of representatives of—

19 “(i) dairy cooperatives and other pro-
20 ducer groups;

21 “(ii) State departments of agriculture;

22 “(iii) conservation organizations; and

23 “(iv) other appropriate Federal and
24 State agencies.

25 “(d) USE OF FUNDS.—

1 “(1) ADMINISTRATIVE COSTS.—The consortium
2 may use not more than 10 percent of the total
3 amount of funds provided to the consortium under
4 this section to pay the administrative costs of the
5 program.

6 “(2) GRANT PROGRAM.—

7 “(A) IN GENERAL.—The consortium shall
8 use the amounts provided under this section to
9 provide grants to applicants, including dairy co-
10 operatives, producers and producer groups,
11 State departments of agriculture and other ap-
12 propriate State agencies, and institutions of
13 higher education, to carry out integrated re-
14 search, extension, and demonstration projects in
15 the Northeast region to address manure nutri-
16 ent management and energy development.

17 “(B) APPLICATIONS.—The steering com-
18 mittee established under subsection (c)(1), in
19 coordination with the board established by the
20 steering committee, shall annually publish 1 or
21 more requests to receive applications for grants
22 under this paragraph.

23 “(C) SELECTION.—

24 “(i) IN GENERAL.—The board of the
25 steering committee shall select applications

1 submitted under subparagraph (B) for
2 grants under this paragraph—

3 “(I) on a competitive basis;

4 “(II) in accordance with such
5 priority technical areas and distribu-
6 tion requirements as the steering com-
7 mittee may establish; and

8 “(III) in a manner that ensures,
9 to the maximum extent practicable,
10 that an equal quantity of resources is
11 provided to each member of the con-
12 sortium.

13 “(ii) REVIEW.—Before selecting any
14 application under clause (i), the board
15 shall ensure that the program proposed in
16 the application is subject to a merit review
17 by an independent panel of scientific ex-
18 perts with experience relating to the pro-
19 gram.

20 “(iii) PRIORITY.—In selecting applica-
21 tions under clause (i), the board shall give
22 priority to applications for programs
23 that—

1 “(I) include multiorganizational
2 partnerships, especially partnerships
3 that include producers; and

4 “(II) attract the most current
5 and applicable science for nutrient
6 management and energy development
7 that can be applied in the Northeast
8 region.

9 “(D) COST SHARING.—An applicant that
10 receives a grant under this paragraph shall pro-
11 vide not less than 20 percent of the cost of the
12 project carried out by the applicant.

13 “(e) AVAILABILITY OF RESULTS.—The consortium
14 shall ensure that the results of each project carried out
15 pursuant to the program are made publicly available.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as are nec-
18 essary to carry out this section.

19 **“SEC. 9023. FUTURE FARMSTEADS PROGRAM.**

20 “(a) ESTABLISHMENT.—The Secretary shall estab-
21 lish a program to equip, in each of 5 regions of the United
22 States chosen to represent different farming practices, a
23 farm house and its surrounding fields, facilities, and for-
24 ested areas with technologies to—

1 “(1) improve farm energy production and en-
2 ergy use efficiencies;

3 “(2) provide working examples to farmers; and

4 “(3) serve as an education, demonstration, and
5 research facility that will teach graduate students
6 whose focus of research is related to either renew-
7 able energy or energy conservation technologies.

8 “(b) GOALS.—The goals of the program established
9 under subsection (a) shall be to—

10 “(1) advance farm energy use efficiencies and
11 the on-farm production of renewable energies, along
12 with advanced communication and control tech-
13 nologies with the latest in energy capture and con-
14 version techniques, thereby enhancing rural energy
15 independence and creating new revenues for rural
16 economies;

17 “(2) accelerate private sector and university re-
18 search into the efficient on-farm production of re-
19 newable fuels and help educate the farming industry,
20 students, and the general public; and

21 “(3) accelerate energy independence, including
22 the production and the conservation of renewable en-
23 ergies on farms.

24 “(c) COLLABORATION PARTNERS.—The program
25 under this section shall be carried out in partnership with

1 regional land grant institutions, agricultural commodity
2 commissions, biofuels companies, sensor and controls com-
3 panies, and internet technology companies.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as are nec-
6 essary to carry out this section.”.

7 In title IX, on page 111, strike line 13 and insert
8 the following:

9 **SEC. 9002. SENSE OF THE SENATE CONCERNING HIGHER**
10 **LEVELS OF ETHANOL BLENDED GASOLINE.**

11 (a) FINDINGS.—The Senate finds that, as of the date
12 of enactment of this Act—

13 (1) annual ethanol production capacity totals
14 6,800,000,000 gallons;

15 (2) current and planned construction of ethanol
16 refineries will likely increase annual ethanol produc-
17 tion capacity to 12,000,000,000 to 13,000,000,000
18 gallons by December 31, 2009;

19 (3) under existing regulations, only gasoline
20 blended with up to 10 percent ethanol (commonly
21 known as “E-10”) may be consumed by nonflexible
22 fuel vehicles;

23 (4) the total market demand for E-10—

1 (A) is limited to 10 percent of domestic
2 motor fuel consumption; and

3 (B) is further constrained by State-admin-
4 istered reformulated gasoline regulations and
5 regional infrastructure constraints;

6 (5) beyond the market demand for E-10, insuf-
7 ficient E-85 infrastructure exists to absorb the in-
8 creased ethanol production beyond 12,000,000,000
9 to 13,000,000,000 gallons in the short term;

10 (6) the approval of intermediate blends of eth-
11 anol-blended gasoline, such as E-13, E-15, E-20,
12 and higher blends, is critical to the uninterrupted
13 growth of the United States biofuels industry; and

14 (7) maintaining the growth of the United
15 States biofuels industry is a matter of national secu-
16 rity and sustainable economic growth.

17 (b) SENSE OF THE SENATE .—It is the sense of the
18 Senate that the Secretary should—

19 (1) collaborate with the Secretary of Energy,
20 the Secretary of Transportation, and the Adminis-
21 trator of the Environmental Protection Agency in
22 conducting a study of the economic and environ-
23 mental effects of intermediate blends of ethanol in
24 United States fuel supply;

1 (2) ensure that the approval of intermediate
2 blends of ethanol occurs after the appropriate tests
3 have successfully concluded proving the drivability,
4 compatibility, emissions, durability, and health ef-
5 fects of higher blends of ethanol-blended gasoline;
6 and

7 (3) ensure that the approval of intermediate
8 blends of ethanol-blended gasoline occurs by not
9 later than 1 year after the date of enactment of this
10 Act.

11 In title X, beginning on page 4, strike line 5 and all
12 that follows through page 5, line 10, and insert the fol-
13 lowing:

14 **SEC. 10002. GRADING AND INSPECTION.**

15 (a) GRADING.—Section 203 of the Agricultural Mar-
16 keting Act of 1946 (7 U.S.C. 1622) is amended—

17 (1) by redesignating subsection (n) as sub-
18 section (o); and

19 (2) by inserting after subsection (m) the fol-
20 lowing:

21 “(n) GRADING PROGRAM.—To establish, within the
22 Agricultural Marketing Service, a voluntary grading pro-
23 gram for farm-raised animals described in section

1 10806(a)(1) of the Farm Security and Rural Investment
2 Act of 2002 (21 U.S.C. 321d(a)(1)).”.

3 (b) AMENABLE SPECIES.—Section 1(w) of the Fed-
4 eral Meat Inspection Act (21 U.S.C. 601(w)) is amend-
5 ed—

6 (1) in paragraph (1), by striking “and” at the
7 end;

8 (2) by redesignating paragraph (2) as para-
9 graph (3); and

10 (3) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) farm-raised animals described in section
13 10806(a)(1) of the Farm Security and Rural Invest-
14 ment Act of 2002 (21 U.S.C. 321d(a)(1)); and”.

15 (c) EXISTING ACTIVITIES.—The Secretary shall en-
16 sure, to the maximum extent practicable, that nothing in
17 an amendment made by this section duplicates or impedes
18 any of the food safety activities conducted by the Depart-
19 ment of Commerce or the Food and Drug Administration.

20 In title X, on page 36, strike line 5 and insert the
21 following:

1 **SEC. 10207. PROHIBITION ON PACKERS OWNING, FEEDING,**
2 **OR CONTROLLING LIVESTOCK.**

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

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

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) Own or feed livestock directly, through a sub-
10 sidiary, or through an arrangement that gives the packer
11 operational, managerial, or supervisory control over the
12 livestock, or over the farming operation that produces the
13 livestock, to such an extent that the producer is no longer
14 materially participating in the management of the oper-
15 ation with respect to the production of the livestock, ex-
16 cept that this subsection shall not apply to—

17 “(1) an arrangement entered into within 14
18 days (excluding any Saturday or Sunday) before
19 slaughter of the livestock by a packer, a person act-
20 ing through the packer, or a person that directly or
21 indirectly controls, or is controlled by or under com-
22 mon control with, the packer;

23 “(2) a cooperative or entity owned by a cooper-
24 ative, if a majority of the ownership interest in the
25 cooperative is held by active cooperative members
26 that—

1 “(A) own, feed, or control livestock; and

2 “(B) provide the livestock to the coopera-
3 tive for slaughter;

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

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

12 (b) EFFECTIVE DATE.—

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

16 (2) TRANSITION RULES.—In the case of a pack-
17 er that on the date of enactment of this Act owns,
18 feeds, or controls livestock intended for slaughter in
19 violation of section 202(f) of the Packers and Stock-
20 yards Act, 1921 (as amended by subsection (a)), the
21 amendments made by subsection (a) apply to the
22 packer—

23 (A) in the case of a packer of swine, begin-
24 ning on the date that is 18 months after the
25 date of enactment of this Act; and

1 (B) in the case of a packer of any other
2 type of livestock, beginning as soon as prac-
3 ticable, but not later than 180 days, after the
4 date of enactment of this Act, as determined by
5 the Secretary.

6 **SEC. 10208. REGULATIONS.**

7 In title X, at the end of subtitle D add the following:

8 **SEC. 10308. SENSE OF THE SENATE ON INDEMNIFICATION**
9 **OF LIVESTOCK PRODUCERS.**

10 It is the sense of the Senate that the Secretary should
11 partner with the private insurance industry to implement
12 an approach for expediting the indemnification of livestock
13 producers in the case of catastrophic disease outbreaks.

14 In title XI, beginning on page 64, strike line 15 and
15 all that follows through page 65, line 4 and insert the fol-
16 lowing:

17 **SEC. 11060. CONGRESSIONAL BIPARTISAN FOOD SAFETY**
18 **COMMISSION.**

19 (a) COMMISSION.—

20 (1) ESTABLISHMENT.—

21 (A) IN GENERAL.—There is established a
22 commission to be known as the “Congressional

1 Bipartisan Food Safety Commission” (referred
2 to in this section as the “Commission”).

3 (B) PURPOSE.—The purpose of the Com-
4 mission shall be to act in a bipartisan, con-
5 sensus-driven fashion—

6 (i) to review the food safety system of
7 the United States;

8 (ii) to prepare a report that—

9 (I) summarizes information
10 about the food safety system as in ef-
11 fect as of the date of enactment of
12 this Act; and

13 (II) makes recommendations on
14 ways—

15 (aa) to modernize the food
16 safety system of the United
17 States;

18 (bb) to harmonize and up-
19 date food safety statutes;

20 (cc) to improve Federal,
21 State, local, and interagency co-
22 ordination of food safety per-
23 sonnel, activities, budgets, and
24 leadership;

1 (dd) to best allocate scarce
2 resources according to risk;

3 (ee) to ensure that regula-
4 tions, directives, guidance, and
5 other standards and require-
6 ments are based on best-available
7 science and technology;

8 (ff) to emphasize preventa-
9 tive rather than reactive strate-
10 gies; and

11 (gg) to provide to Federal
12 agencies funding mechanisms
13 necessary to effectively carry out
14 food safety responsibilities; and

15 (iii) to draft specific statutory lan-
16 guage, including detailed summaries of the
17 language and budget recommendations,
18 that would implement the recommenda-
19 tions of the Commission.

20 (2) MEMBERSHIP.—

21 (A) COMPOSITION.—The Commission shall
22 be composed of 19 members.

23 (B) ELIGIBILITY.—Members of the Com-
24 mission shall—

- 1 (i) have specialized training, edu-
2 cation, or significant experience in at least
3 1 of the areas of—
- 4 (I) food safety research;
 - 5 (II) food safety law and policy;
 - 6 and
 - 7 (III) program design and imple-
8 mentation;
 - 9 (ii) consist of—
 - 10 (I) the Secretary of Agriculture
11 (or a designee);
 - 12 (II) the Secretary of Health and
13 Human Services (or a designee);
 - 14 (III) 1 Member of the House of
15 Representatives; and
 - 16 (IV) 1 Member of the Senate;
 - 17 and
 - 18 (V) 15 additional members that
19 include, to the maximum extent prac-
20 ticable, representatives of—
 - 21 (aa) consumer organizations;
 - 22 (bb) agricultural and live-
23 stock production;
 - 24 (cc) public health profes-
25 sionals;

- 1 (dd) State regulators;
2 (ee) Federal employees; and
3 (ff) the livestock and food
4 manufacturing and processing in-
5 dustry.

6 (C) APPOINTMENTS.—

7 (i) IN GENERAL.—The appointment of
8 the members of the Commission shall be
9 made not later than 60 days after the date
10 of enactment of this Act.

11 (ii) CERTAIN APPOINTMENTS.—Of the
12 members of the Commission described in
13 subparagraph (B)(ii)(V)—

14 (I) 2 shall be appointed by the
15 President;

16 (II) 7 shall be appointed by a
17 working group consisting of—

18 (aa) the Chairman of each
19 of the Committee on Agriculture,
20 Nutrition, and Forestry and the
21 Committee on Health, Education,
22 Labor, and Pensions of the Sen-
23 ate;

24 (bb) the Chairman of each
25 of the Committee on Agriculture

1 and the Committee on Energy
2 and Commerce of the House of
3 Representatives;

4 (cc) the Speaker of the
5 House of Representatives; and

6 (dd) the Majority Leader of
7 the Senate; and

8 (III) 6 shall be appointed by a
9 working group consisting of—

10 (aa) the Ranking Member of
11 each of the Committees described
12 in items (aa) and (bb) of sub-
13 clause (II);

14 (bb) the Minority Leader of
15 the House of Representatives;
16 and

17 (cc) the Minority Leader of
18 the Senate.

19 (D) TERM.—A member of the Commission
20 shall be appointed for the life of the Commis-
21 sion.

22 (E) VACANCIES.—A vacancy on the Com-
23 mission—

24 (i) shall not affect the powers of the
25 Commission; and

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

3 (3) MEETINGS.—

4 (A) INITIAL MEETING.—Except as pro-
5 vided in subparagraph (B), the initial meeting
6 of the Commission shall be conducted in Wash-
7 ington, District of Columbia, not later than 30
8 days after the date of appointment of the final
9 member of the Commission under paragraph
10 (2)(C).

11 (B) MEETING FOR PARTIAL APPOINT-
12 MENT.—If, as of the date that is 90 days after
13 the date of enactment of this Act, all members
14 of the Commission have not been appointed
15 under paragraph (2)(C), but at least 8 mem-
16 bers have been appointed, the Commission may
17 hold the initial meeting of the Commission.

18 (C) OTHER MEETINGS.—The Commission
19 shall—

20 (i) hold a series of at least 5 stake-
21 holder meetings to solicit public comment,
22 including—

23 (I) at least 1 stakeholder meet-
24 ing, to be held in Washington, Dis-
25 trict of Columbia; and

1 (II) at least 4 stakeholder meet-
2 ings, to be held in various regions of
3 the United States; and

4 (ii) meet at the call of—

5 (I) the Chairperson;

6 (II) the Vice-Chairperson; or

7 (III) a majority of the members
8 of the Commission.

9 (D) PUBLIC PARTICIPATION; INFORMA-
10 TION.—To the maximum extent practicable—

11 (i) each meeting of the Commission
12 shall be open to the public; and

13 (ii) all information from a meeting of
14 the Commission shall be recorded and
15 made available to the public.

16 (E) QUORUM.—With respect to meetings
17 of the Commission—

18 (i) a majority of the members of the
19 Commission shall constitute a quorum for
20 the conduct of business of the Commission;
21 but

22 (ii) for the purpose of a stakeholder
23 meeting described in subparagraph (C)(i),
24 4 or more members of the Commission
25 shall constitute a quorum.

1 (F) FACILITATOR.—The Commission shall
2 contract with a nonpolitical, disinterested third-
3 party entity to serve as a meeting facilitator.

4 (4) CHAIRPERSON AND VICE-CHAIRPERSON.—
5 At the initial meeting of the Commission, the mem-
6 bers of the Commission shall select from among the
7 members a Chairperson and Vice-Chairperson of the
8 Commission.

9 (b) DUTIES.—

10 (1) RECOMMENDATIONS.—The Commission
11 shall review and consider the statutes, studies, and
12 reports described in paragraph (2) for the purpose
13 of understanding the food safety system of the
14 United States in existence as of the date of enact-
15 ment of this Act.

16 (2) STATUTES, STUDIES, AND REPORTS.—The
17 statutes, studies, and reports referred to in para-
18 graph (1) are—

19 (A) with respect with respect to laws ad-
20 ministered by the Secretary of Agriculture—

21 (i) the Federal Seed Act (7 U.S.C.
22 1551 et seq.);

23 (ii) the Agricultural Marketing Act of
24 1946 (7 U.S.C. 1621 et seq.);

1 (iii) the Animal Health Protection Act
2 (7 U.S.C. 8301 et seq.);

3 (iv) the Lacey Act Amendments of
4 1981 (16 U.S.C. 3371 et seq.);

5 (v) the Poultry Products Inspection
6 Act (21 U.S.C. 451 et seq.);

7 (vi) the Federal Meat Inspection Act
8 (21 U.S.C. 601 et seq.); and

9 (vii) the Egg Products Inspection Act
10 (21 U.S.C. 1031 et seq.);

11 (B) with respect to laws administered by
12 the Secretary of the Treasury, the Federal Al-
13 cohol Administration Act (27 U.S.C. 201 et
14 seq.);

15 (C) with respect to laws administered by
16 the Federal Trade Commission, the Act of Sep-
17 tember 26, 1914 (15 U.S.C. 41 et seq.);

18 (D) with respect to laws administered by
19 the Secretary of Health and Human Services—

20 (i) chapters I through IV of the Fed-
21 eral Food, Drug, and Cosmetic Act (21
22 U.S.C. 301 et seq.);

23 (ii) the Public Health Service Act (42
24 U.S.C. 201 et seq.);

1 (iii) the Import Milk Act (21 U.S.C.
2 141 et seq.);

3 (iv) the Food Additives Amendment of
4 1958 (Public Law 85–929; 52 Stat. 1041);

5 (v) the Fair Packaging and Labeling
6 Act (Public Law 89–755; 80 Stat. 1296);

7 (vi) the Infant Formula Act of 1980
8 (21 U.S.C. 301 note; Public Law 96–359);

9 (vii) the Pesticide Monitoring Im-
10 provements Act of 1988 (Public Law 100–
11 418; 102 Stat. 1411);

12 (viii) the Nutrition Labeling and Edu-
13 cation Act of 1990 (21 U.S.C. 301 note;
14 Public Law 101–535);

15 (ix) the Food and Drug Administra-
16 tion Modernization Act of 1997 (21 U.S.C.
17 301 note; Public Law 105–115); and

18 (x) the Public Health Security and
19 Bioterrorism Preparedness and Response
20 Act of 2002 (21 U.S.C. 201 note; Public
21 Law 107–188);

22 (E) with respect to laws administered by
23 the Attorney General, the Federal Anti-Tam-
24 pering Act (18 U.S.C. 1365 note; Public Law
25 98–127);

1 (F) with respect to laws administered by
2 the Administrator of the Environmental Protec-
3 tion Agency—

4 (i) the Federal Insecticide, Fungicide,
5 and Rodenticide Act (7 U.S.C. 136 et
6 seq.);

7 (ii) the Food Quality Protection Act
8 of 1996 (7 U.S.C. 136 note; Public Law
9 104–170);

10 (iii) the Toxic Substances Control Act
11 (15 U.S.C. 2601 et seq.); and

12 (iv) the Safe Drinking Water Act of
13 1974 (42 U.S.C. 201 note; Public Law 93–
14 523); and

15 (G) with respect to laws administered by
16 the Secretary of Transportation, chapter 57 of
17 subtitle II of title 49, United States Code (re-
18 lating to sanitary food transportation); and

19 (H) with respect to Government studies on
20 food safety—

21 (i) the report of the National Acad-
22 emies of Science entitled “Ensuring Safe
23 Food from Production to Consumption”
24 and dated 1998;

1 (ii) the report of the National Acad-
2 emies of Science entitled “Scientific Cri-
3 teria to Ensure Safe Food” and dated
4 2003;

5 (iii) reports of the Office of the In-
6 spector General of the Department of Agri-
7 culture, including—

8 (I) report 24601-0008-CH, enti-
9 tled “Egg Products Processing In-
10 spection” and dated September 18,
11 2007;

12 (II) report 24005-1-AT, entitled
13 “Food Safety and Inspection Service -
14 State Meat and Poultry Inspection
15 Programs” and dated September 27,
16 2006;

17 (III) report 24601-06-CH, enti-
18 tled “Food Safety and Inspection
19 Service’s In-Plant Performance Sys-
20 tem” and dated March 28, 2006;

21 (IV) report 24601-05-AT, enti-
22 tled “Hazard Analysis and Critical
23 Control Point Implementation at Very
24 Small Plants” and dated June 24,
25 2005;

1 (V) report 24601-04-HY, entitled
2 “Food Safety and Inspection Service
3 Oversight of the 2004 Recall by
4 Quaker Maid Meats, Inc.” and dated
5 May 18, 2005;

6 (VI) report 24501-01-FM, enti-
7 tled “Food Safety and Inspection
8 Service Application Controls - Per-
9 formance Based Inspection System”
10 and dated November 24, 2004;

11 (VII) report 24601-03-CH, enti-
12 tled “Food Safety and Inspection
13 Service Use of Food Safety Informa-
14 tion” and dated September 30, 2004;

15 (VIII) report 24601-03-HY, enti-
16 tled “Food Safety and Inspection
17 Service Effectiveness Checks for the
18 2002 Pilgrim’s Pride Recall” and
19 dated June 29, 2004;

20 (IX) report 24601-02-HY, enti-
21 tled “Food Safety and Inspection
22 Service Oversight of the Listeria Out-
23 break in the Northeastern United
24 States” and dated June 9, 2004;

1 (X) report 24099-05-HY, entitled
2 “Food Safety and Inspection Service
3 Imported Meat and Poultry Equiva-
4 lence Determinations Phase III” and
5 dated December 29, 2003;

6 (XI) report 24601-2-KC, entitled
7 “Food Safety and Inspection Service -
8 Oversight of Production Process and
9 Recall at Conagra Plant (Establish-
10 ment 969)” and dated September 30,
11 2003;

12 (XII) report 24601-1-Ch, entitled
13 “Laboratory Testing Of Meat And
14 Poultry Products” and dated June
15 21, 2000;

16 (XIII) report 24001-3-At, 24601-
17 1-Ch, 24099-3-Hy, 24601-4-At, enti-
18 tled “Food Safety and Inspection
19 Service: HACCP Implementation,
20 Pathogen Testing Program, Foreign
21 Country Equivalency, Compliance Ac-
22 tivities” and dated June 21, 2000;
23 and

24 (XIV) report 24001-3-At, enti-
25 tled “Implementation of the Hazard

1 Analysis and Critical Control Point
2 System” and dated June 21, 2000;
3 and

4 (I) with respect to reports prepared by the
5 Government Accountability Office, the reports
6 designated—

- 7 (i) GAO-05-212;
8 (ii) GAO-02-47T;
9 (iii) GAO/T-RCED-94-223;
10 (iv) GAO/RCED-99-80;
11 (v) GAO/T-RCED-98-191;
12 (vi) GAO/RCED-98-103;
13 (vii) GAO-07-785T;
14 (viii) GAO-05-51;
15 (ix) GAO/T-RCED-94-311;
16 (x) GAO/RCED-92-152;
17 (xi) GAO/T-RCED-99-232;
18 (xii) GAO/T-RCED-98-271;
19 (xiii) GAO-07-449T;
20 (xiv) GAO-05-213;
21 (xv) GAO-04-588T;
22 (xvi) GAO/RCED-00-255;
23 (xvii) GAO/RCED-00-195; and
24 (xviii) GAO/T-RCED-99-256.

1 (3) REPORT.—Not later than 360 days after
2 the date on which the Commission first meets, the
3 Commission shall submit to the President and Con-
4 gress a report that includes the report and sum-
5 maries, statutory language recommendations, and
6 budget recommendations described in clauses (ii)
7 and (iii) of subsection (a)(1)(B).

8 (c) POWERS OF THE COMMISSION.—

9 (1) HEARINGS.—The Commission or, at the di-
10 rection of the Commission, any member of the Com-
11 mission, may, for the purpose of carrying out this
12 section—

13 (A) hold such hearings, meet and act at
14 such times and places, take such testimony, re-
15 ceive such evidence, and administer such oaths;
16 and

17 (B) require the attendance and testimony
18 of such witnesses and the production of such
19 books, records, correspondence, memoranda, pa-
20 pers, documents, tapes, and materials;
21 as the Commission or member considers advisable.

22 (2) INFORMATION FROM FEDERAL AGENCIES.—

23 (A) IN GENERAL.—The Commission may
24 secure directly, from any Federal agency, such

1 information as the Commission considers nec-
2 essary to carry out this section.

3 (B) PROVISION OF INFORMATION.—

4 (i) IN GENERAL.—Subject to subpara-
5 graph (C), on the request of the Commis-
6 sion, the head of a Federal agency de-
7 scribed in subparagraph (A) shall expedi-
8 tiously furnish information requested by
9 the Commission to the Commission.

10 (ii) ADMINISTRATION.—The fur-
11 nishing of information by a Federal agency
12 to the Commission shall not be considered
13 a waiver of any exemption available to the
14 agency under section 552 of title 5, United
15 States Code.

16 (C) INFORMATION TO BE KEPT CONFIDEN-
17 TIAL.—For purposes of section 1905 of title 18,
18 United States Code—

19 (i) the Commission shall be considered
20 an agency of the Federal Government; and

21 (ii) any individual employed by an in-
22 dividual, entity, or organization that is a
23 party to a contract with the Commission
24 under this section shall be considered an
25 employee of the Commission.

1 (d) COMMISSION PERSONNEL MATTERS.—

2 (1) MEMBERS.—

3 (A) NON-FEDERAL EMPLOYEES.—A mem-
4 ber of the Commission who is not an officer or
5 employee of the Federal Government shall be
6 compensated at a rate equal to the daily equiva-
7 lent of the annual rate of basic pay prescribed
8 for level IV of the Executive Schedule under
9 section 5315 of title 5, United States Code, for
10 each day (including travel time) during which
11 the member is engaged in the performance of
12 the duties of the Commission.

13 (B) FEDERAL EMPLOYEES.—A member of
14 the Commission who is an officer or employee
15 of the Federal Government shall serve without
16 compensation in addition to the compensation
17 received for the services of the member as an
18 officer or employee of the Federal Government.

19 (C) TRAVEL EXPENSES.—A member of the
20 Commission shall be allowed travel expenses, in-
21 cluding per diem in lieu of subsistence, at rates
22 authorized for an employee of an agency under
23 subchapter I of chapter 57 of title 5, United
24 States Code, while away from the home or reg-

1 ular place of business of the member in the per-
2 formance of the duties of the Commission.

3 (2) STAFF.—

4 (A) EXECUTIVE DIRECTOR.—Not later
5 than 30 days after the Chairperson and Vice-
6 Chairperson of the Commission are selected
7 under subsection (a)(4), the Chairperson and
8 Vice-Chairperson shall jointly select an indi-
9 vidual to serve as executive director of the Com-
10 mission.

11 (B) ADDITIONAL STAFF.—The Chair-
12 person of the Commission may, without regard
13 to the civil service laws (including regulations),
14 appoint and terminate the appointment of such
15 other additional personnel as are necessary to
16 enable the Commission to perform the duties of
17 the Commission.

18 (C) CONFIRMATION OF EXECUTIVE DIREC-
19 TOR.—The employment of an executive director
20 under this paragraph shall be subject to con-
21 firmation by the Commission.

22 (D) COMPENSATION.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), the Chairperson of the Com-
25 mission may fix the compensation of the

1 executive director and other personnel
2 without regard to the provisions of chapter
3 51 and subchapter III of chapter 53 of
4 title 5, United States Code, relating to
5 classification of positions and General
6 Schedule pay rates.

7 (ii) MAXIMUM RATE OF PAY.—The
8 rate of pay for the executive director and
9 other personnel shall not exceed the rate
10 payable for level II of the Executive Sched-
11 ule under section 5316 of title 5, United
12 States Code.

13 (3) DETAIL OF FEDERAL GOVERNMENT EM-
14 PLOYEES.—

15 (A) IN GENERAL.—An employee of the
16 Federal Government may be detailed to the
17 Commission, without reimbursement, for such
18 period of time as is permitted by law.

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

22 (4) PROCUREMENT OF TEMPORARY AND INTER-
23 MITTENT SERVICES.—The Chairperson, Vice-Chair-
24 person, and executive director of the Commission
25 may procure temporary and intermittent services in

1 accordance with section 3109(b) of title 5, United
2 States Code, at rates for individuals that do not ex-
3 ceed the daily equivalent of the annual rate of basic
4 pay prescribed for level IV of the Executive Schedule
5 under section 5316 of that title.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as are nec-
8 essary to carry out this section.

9 (f) TERMINATION.—The Commission shall terminate
10 on the date that is 60 days after the date on which the
11 Commission submits the report under subsection (b)(2).

12 In title XI, at the end of subtitle B, add the following:

13 **SEC. 11070. STORED QUANTITIES OF PROPANE.**

14 Section 550(a) of the Department of Homeland Secu-
15 rity Appropriations Act, 2007 (6 U.S.C. 121 note; Public
16 Law 109–295), is amended by striking “Commission.”
17 and inserting the following:

18 “Commission: *Provided further*, That the Secretary shall
19 not apply interim or final regulations relating to stored
20 threshold quantities of propane for sale, storage, or use
21 on homestead property, agricultural operations, or small
22 businesses (as defined in section 3 of the Small Business
23 Act (15 U.S.C. 632)) that are located in rural areas (as
24 defined in section 520 of the Housing Act of 1949 (42

1 U.S.C. 1490)), unless the Secretary submits to Congress
2 a report describing an immediate or imminent threat
3 against such a stored quantity of propane: *Provided fur-*
4 *ther*, That nothing in this section exempts the Secretary
5 from implementing any interim or final regulation relating
6 to stored threshold quantities of propane for sale, use, or
7 storage in an area that is not a rural areas (as so de-
8 fined).”.