

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1947
OFFERED BY MRS. LOWEY OF NEW YORK**

Page 545, after line 9, add the following:

1 **SEC. 10018. EXPORT PROTECTION AND ENHANCEMENT.**

2 (a) STUDY ON UNAUTHORIZED RELEASE OF ARTI-
3 CLES.—Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of Agriculture shall submit
5 to Congress a report on efforts taken to prevent the future
6 unauthorized release of regulated articles. Such report
7 shall include—

8 (1) a mitigation plan to prevent the unauthor-
9 ized release of such articles; and

10 (2) an assessment of financial losses to farmers,
11 growers, and the agricultural economy of the United
12 States as a result of previous unauthorized releases
13 of such articles.

14 (b) AMENDING OF FIELD TEST REGULATIONS RE-
15 QUIRED.—The Secretary of Agriculture shall amend the
16 regulations in part 340 of title 7, Code of Federal Regula-
17 tions, to require, with respect to field tests of regulated
18 articles—

1 (1)(A) retroactively, institutions that are con-
2 ducting such field tests to submit to the Secretary
3 global positioning service coordinates for any planted
4 field test site; and

5 (B) institutions that are seeking to conduct
6 such field tests to submit such coordinates;

7 (2) institutions seeking to conduct such field
8 tests to submit the nucleic acid sequence, including
9 that of the transgenes, that is adequate to uniquely
10 identify the gene and transformation event in arti-
11 cles used in such field tests before the Secretary ac-
12 knowledges a notification or issues a permit for such
13 field tests;

14 (3) such institutions to submit written contain-
15 ment protocols to the Secretary;

16 (4) such institutions, based on the level of risk,
17 to provide proof of financial responsibility, in the
18 event of an unauthorized release of regulated arti-
19 cles;

20 (5) the Secretary to carefully review contain-
21 ment protocols to ensure the adequacy of such proto-
22 cols before acknowledging notifications or issuing
23 permits to conduct such field tests; and

1 (6) the Secretary to publish a publicly-available
2 report on the final disposition of high-risk pharma-
3 ceutical and industrial harvests.

4 (c) FARMER RESTITUTION FUND FEASIBILITY
5 STUDY.—

6 (1) STUDY.—Not later than one year after the
7 date of the enactment of this Act, the Secretary of
8 Agriculture shall conduct a feasibility study on the
9 establishment of a fund, to be administered by the
10 Secretary, that—

11 (A) would be funded using funds of insti-
12 tutions that have been granted a permit or noti-
13 fication for the introduction of a regulated arti-
14 cle under the Plant Protection Act (7 U.S.C.
15 7701 et seq.); and

16 (B) would be used to pay, to any farmer,
17 grower, farm or elevator operator, miller, or
18 producer who incurred any financial damages,
19 market losses, or testing costs as a result of an
20 unauthorized release of the regulated article for
21 which a permit or notification for introduction
22 was issued by the Secretary, an amount equal
23 to the total amount of such damages, losses, or
24 costs.

1 (2) REPORT.—Not later than 90 days after the
2 date on which the study conducted under paragraph
3 (1) is completed, the Secretary shall submit to Con-
4 gress a report on the results of such study.

5 (d) DEFINITIONS.—In this section:

6 (1) REGULATED ARTICLE.—The term “regu-
7 lated article” means an article, as that term is de-
8 fined in section 403 of the Plant Protection Act (7
9 U.S.C. 7702), that is regulated under such Act.

10 (2) UNAUTHORIZED RELEASE.—The term “un-
11 authorized release” means any mixing (including
12 mixing via cross-pollination or seed admixture) of
13 plant material from a regulated article with plant
14 material of any species that is not regulated under
15 the Plant Protection Act (7 U.S.C. 7701 et seq.).

