

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To clarify that seed shall not be considered to be a pesticide or device for purposes of notification of importation.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 954**

To reauthorize agricultural programs through 2018.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FISCHER (for  
herself and Mr. CARPER)

Viz:

1 On page 1050, after line 23, add the following:

2 **SEC. 10013. IMPORTATION OF SEED.**

3 Section 17(c) of the Federal Insecticide, Fungicide,  
4 and Rodenticide Act (7 U.S.C. 136o(c)) is amended—

5 (1) by striking “The Secretary” and inserting  
6 the following:

7 “(1) IN GENERAL.—The Secretary”; and

8 (2) by adding at the end the following:

9 “(2) IMPORTATION OF SEED.—Notwithstanding  
10 any other provision of this subsection, the Secretary  
11 is not required to notify the Administrator of the ar-

1 rival of a plant-incorporated protectant (as defined  
2 in section 174.3 of title 40, Code of Federal Regula-  
3 tions (or any successor regulation)) that is contained  
4 in a seed, if—

5 “(A) that plant-incorporated protectant is  
6 registered under section 3;

7 “(B) the Administrator has issued an ex-  
8 perimental use permit for that plant-incor-  
9 porated protectant under section 5; or

10 “(C) the seed is covered by a permit or no-  
11 tification (as defined in part 340 of title 7,  
12 Code of Federal Regulations (or any successor  
13 regulation)).

14 “(3) COOPERATION.—

15 “(A) IN GENERAL.—In response to a re-  
16 quest from the Administrator, the Secretary of  
17 Agriculture shall provide to the Administrator a  
18 list of seed containing plant-incorporated  
19 protectants (as defined in section 174.3 of title  
20 40, Code of Federal Regulations (or any suc-  
21 cessor regulation)) if that seed has been im-  
22 ported into the United States under a permit or  
23 notification referred to in paragraph (2).

24 “(B) CONTENTS.—The list under subpara-  
25 graph (A) shall be provided in a form and at

1           such intervals as may be agreed to by the Sec-  
2           retary and the Administrator.

3           “(4) APPLICABILITY.—Nothing in this sub-  
4           section precludes or limits the authority of the Sec-  
5           retary of Agriculture with respect to the importation  
6           or movement of plants, plant products, or seeds  
7           under—

8                   “(A) the Plant Protection Act (7 U.S.C.  
9                   7701 et seq.); and

10                   “(B) the Federal Seed Act (7 U.S.C. 1551  
11                   et seq.).”.